

# LIBERTY

FOUNDED 1886

WASHINGTON  
D. C.

A MAGAZINE OF RELIGIOUS FREEDOM



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J. L. G. FERRIS, ARTIST

## WASHINGTON AT HIS SECOND INAUGURATION

The dignity of President Washington pervades the scene as he arrives on March 4, 1793, at Congress Hall, Philadelphia, for his second inauguration. John Adams, Vice-President, is at Washington's left, and Thomas Jefferson, Secretary of State, faces the President.

# DECLARATION OF PRINCIPLES

*of the International  
Religious Liberty Association*

We believe in religious liberty, and hold that this God-given right is exercised at its best when there is separation between church and state.

We believe in civil government as divinely ordained to protect men in the enjoyment of their natural rights, and to rule in civil things; and that in this realm it is entitled to the respectful and willing obedience of all.

We believe in the individual's natural and inalienable right of freedom of conscience: to worship or not to worship; to profess, to practice, and to promulgate his religious beliefs, or to change them according to his conscience or opinions, holding that these are the essence of religious liberty; but that in the exercise of this right he should respect the equivalent right of others.

We believe that all legislation and other governmental acts which unite church and state are subversive of human rights, potentially persecuting in character, and opposed to the best interests of church and state; and therefore, that it is not within the province of human government to enact such legislation or perform such acts.

We believe it is our duty to use every lawful and honorable means to prevent the enactment of legislation which tends to unite church and state, and to oppose every movement toward such union, that all may enjoy the inestimable blessings of religious liberty.

We believe that these liberties are embraced in the golden rule, which teaches that a man should do to others as he would have others do to him.

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# LIBERTY

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A MAGAZINE OF RELIGIOUS FREEDOM

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OUR COVER PICTURE: Washington was nearing the end of his first term as President of the United States. He had been inaugurated in New York City on the thirtieth of April, 1789. Our cover picture shows him arriving at Congress Hall, in Philadelphia, for his second inauguration, which took place on the fourth of March, 1793. His light-colored coach was driven by six white horses. As the coach door opened, two gentlemen with long, white wands descended and opened a passageway through the throng waiting to welcome the President. Washington was dressed in black velvet with black silk stockings and diamond knee buckles, and wore a shagreen-sheathed dress sword.

On his left in the picture stands John Adams, who was Vice-President during Washington's two terms, and who succeeded Washington as President. Directly in front of Washington and Adams and facing them, stands Jefferson, a member of Washington's Cabinet. Jefferson served as Vice-President from 1797 to 1801, at which time he became the third President and served for two terms.

With the exception of about eighteen months, Washington spent both of his terms as President in Philadelphia. He lived in Robert Morris' house on Market Street, the best in the city, which still required additions to accommodate his extensive household and equipage.



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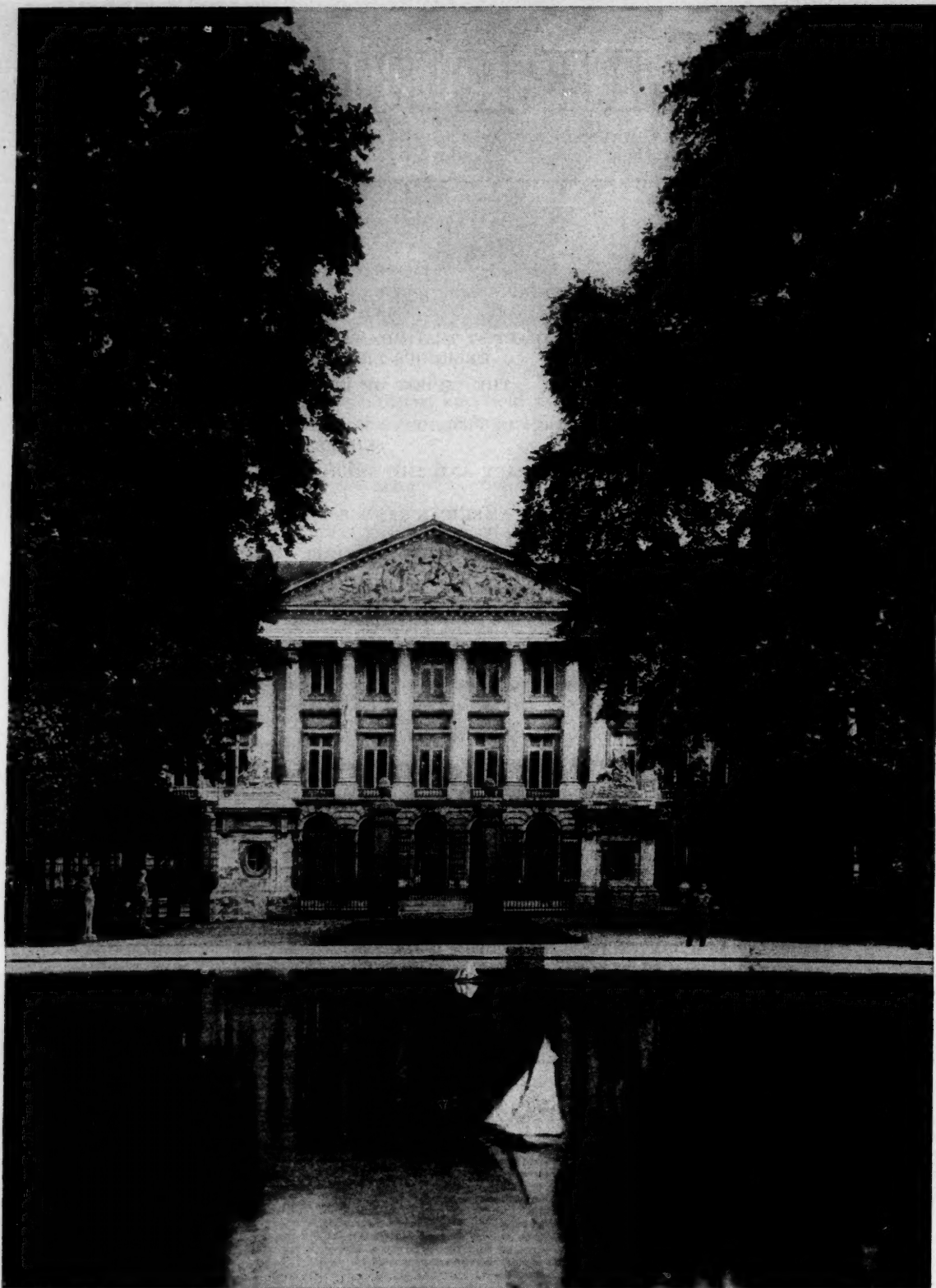
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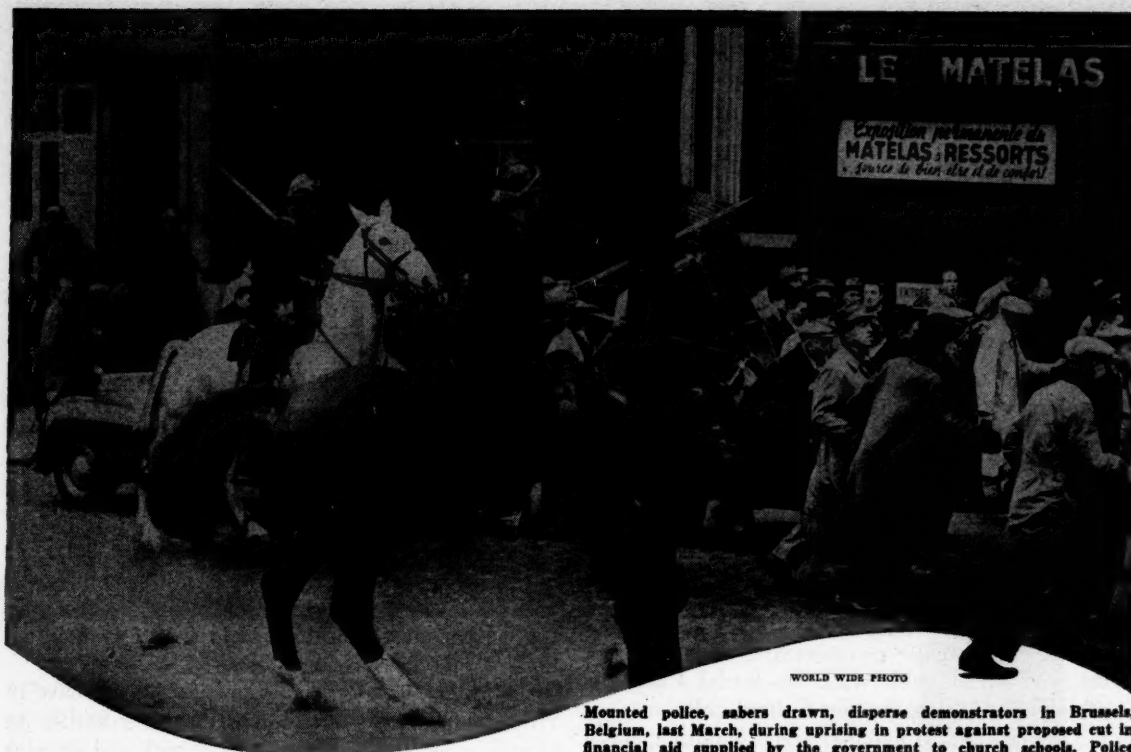




EWING GALLOWAY

The Parliament Building in Brussels, Belgium, where passage of the Collard School Reform Bill resulted in much confusion and public disorder.





WORLD WIDE PHOTO

Mounted police, sabers drawn, disperse demonstrators in Brussels, Belgium, last March, during uprising in protest against proposed cut in financial aid supplied by the government to church schools. Police battled thousands of Roman Catholic demonstrators in the heart of the city.

## The Struggle Over the Belgian Schools

By DANIEL WALTHER, Ph.D.

*[Dr. Walther, with his Swiss background and his scholarly concern with European affairs, shows himself in the accompanying article well qualified to discuss so important a subject as the Belgian school system. Out of the confusion of public disorders and political give-and-take the lesson from Belgium can be read clearly: When churches demand or accept support from government any place in the world, both church and state suffer eventually from the relationship.—Ed.]*

**I**N THE SPRING AND SUMMER of this year serious disturbances rocked Belgium and astonished the world. Particularly in March, July, August, and again in October students of Catholic and of state-controlled universities clashed in the streets of Brussels, Louvain, and other cities of this densely populated land. Huge crowds demonstrated, and the police had to intervene to quell fights; while in the Belgian Parliament tempers flared during lengthy, angry debates. The occasion of these disturbances

was the Collard School Reform Bill passed by the Senate, in the last week of July after an eighteen-hour session, by a vote of 91 to 0. The Catholics walked out before the vote was taken, as the Socialists have walked out on previous similar occasions when they were in the minority. The Reform Bill, sponsored by Liberals and Socialists, aims to reduce subsidies to Catholic schools and to tighten state control over all education, especially in the granting of degrees.

The hierarchy denounces the measure as an attempt to make state education prevail and to lessen religious influence. The church considers the school law, enacted on the 125th anniversary of the nation, as the "acme of cynicism," and has served notice that it would "run the gantlet" should the state really force the issue. Pastoral letters have been sent to all Belgian churches by Cardinal Van Roey, Archbishop of Malines and Primate of Belgium. Parents

are urged to send children to parochial schools only. Significantly (and obviously based on experience), the hierarchy terms this emergency as "only temporary." On the other hand, Socialist Prime Minister Achille van Acker has stated that it was not the intention of the bill, or of the government, to "humiliate" Catholics.

The situation was, and is, serious. However, after some huge demonstrations (admittedly 250,000 persons assembled on July 10 in protest in Brussels) there was no corresponding outbreak of bloody violence. The rector of Louvain, one of Europe's oldest places of learning, issued an appeal for calm, and expressed the hope that a "justifiable" protest would not degenerate into vandalism. But fanaticism is easily fanned; crowds are eager to stage protest movements and to undertake energetic and "vast methodical action in favor of Catholic institutions." For this school propaganda has "an authentic missionary character," a sort of holy war where there is to be no truce, no relenting, and no weakening.

What are the issues? The Liberal and Socialist parties, in power since April 11, 1954, represent the nonpracticing Catholic members and those of other faiths who are at odds with the Social Christian (Catholic) party over the new Collard Bill.

1. Of Belgium's 1,646,000 school children, 934,000 attend Catholic-controlled schools. These "free" schools have received of late an important yearly state subsidy of \$74,000,000. The new law is to reduce that sum to \$64,000,000, earmarked for teachers' salaries. The government further intends to pay the salaries directly

to the teachers and no longer through the school heads, who are said to have deducted up to 30 per cent from government salaries for "contributions" to Catholic works; henceforth the individual teacher will make these contributions at his discretion.

The Socialists argue: "The place of the priest is in the pulpit." But the Catholic point of view is: "If the civil power imposes laws that are contrary to the natural law and the laws of God, it is our right and our duty to resist and resort to disobedience, because we must obey God rather than man."

2. The Collard School Reform Bill endeavors, as has been attempted before, to develop more "neutral," nonconfessional, state-controlled schools where the child can be educated freely, without interference or control by the church.

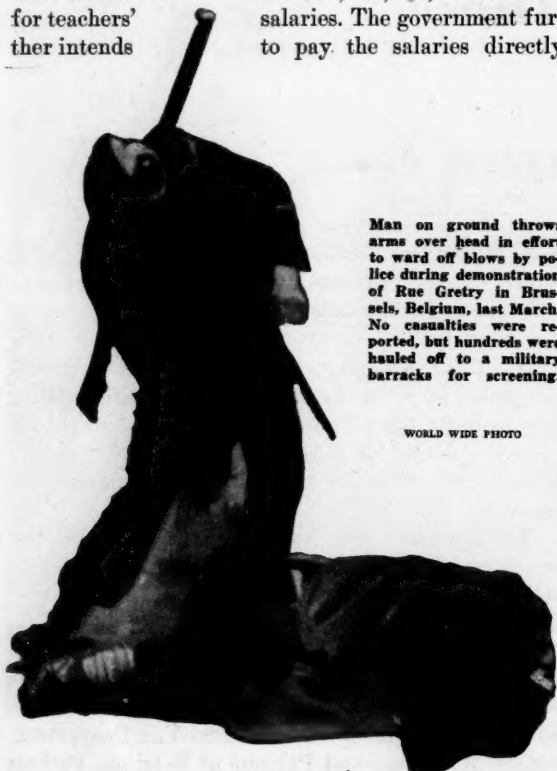
3. The government decrees that it intends to control the granting of teachers' degrees. Teachers' qualifications, as well as curriculums, must not be considered through the eyes of the church, but as an efficient scholastic pattern of fairness and suitability. Whether in a state-controlled school or not, the teacher must henceforth hold a state-granted degree.

The Liberal and Socialist parties did not have in mind to do away with government subsidies to church schools. A separation of church and state as it is understood in the United States, and as it is applied quite generally in its schools, is unthinkable, because at the very outset this important issue was not clearly settled. The new law in Belgium merely reduces the appropriations about one seventh, from \$74,000,000 to \$64,000,000. Although it makes a reduction of only \$10,000,000, it was received with sorrow and indignation. On the Belgian Independence Day the flags on Catholic buildings in Brussels, Liège, Namur, Ghent, Tournai, and Bruges were at half-mast. In July, King Baudouin was placed under great pressure by those who consider themselves the defenders of democratic liberties. While the king, as constitutional monarch, will be led to sign the bill, petitions in behalf of two and one-half million Catholics have protested the measure.

This problem is not new in Belgium. Ever since its inception the nation has had to face it. Nor is it likely to be solved satisfactorily in short order.

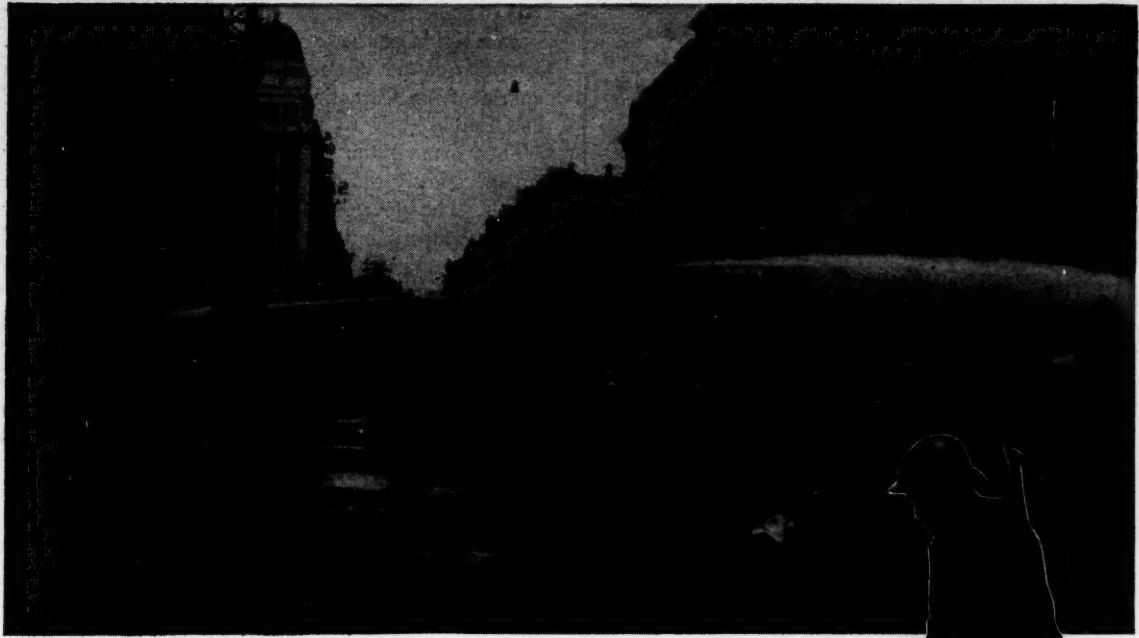
In 1800, when Belgium was part of the Dutch kingdom, there was no public-school system. In 1806 the sovereign, Prince William I of Holland, enacted the Batavian law, which placed all education under state control; no private school could operate without permission. After Belgium gained its independence, the Constitution of 1831 established freedom of education, which meant that the Church had full latitude to develop its own educational program, according to pattern.

The first Belgian school law was passed in 1842, when the Catholic-dominated political party was in



Man on ground throws arms over head in effort to ward off blows by police during demonstration of Rue Gretry in Brussels, Belgium, last March. No casualties were reported, but hundreds were hauled off to a military barracks for screening.

WORLD WIDE PHOTO



control of the government majority. The Liberals agreed to that law mainly because they wanted at all costs an organized public-school system. The role of religion in schools was not recognized by the Liberals until 1866, when a law prescribed that religion was to be taught in the schools by a clergyman who would represent the faith of the majority of students. Children belonging to religious minority groups were permitted to receive their instruction outside the school. Moreover, the Catholic clergy selected the textbooks for religion and ethics as well as for collateral reading purposes; only books were to be used that were in line with the confession of faith of the majority.

The church soon became the outspoken foe of the public school, which was branded as "godless," "freethinking," "evil," "immoral." Yet the state schools made some progress, but only slowly. It soon became apparent to the Liberals that they had left the way wide open for the church school to pursue its aim. In 1846 the Liberal delegates in a party congress voted for "organization of public education on all levels, to be carried on under the exclusive direction of civil powers, who will have the necessary constitutional means to cooperate with free education, without any intervention whatever by the clergy."

It was clear that it was impossible to conciliate religious teaching in schools with the spirit of the Belgian Constitution. As late as 1882, it was found that out of 8,917 inductees in the army there were 2,347 illiterates—27 per cent.

In 1879, when the Liberals were in power, a complete revision of the Constitution was proposed. It

**FIRST QUARTER**

Brussels police play streams of water into crowds along Boulevard Anspach, last March. The drenching was part of police efforts to maintain order in the threatened demonstration of thousands of Catholics.

WORLD WIDE PHOTO

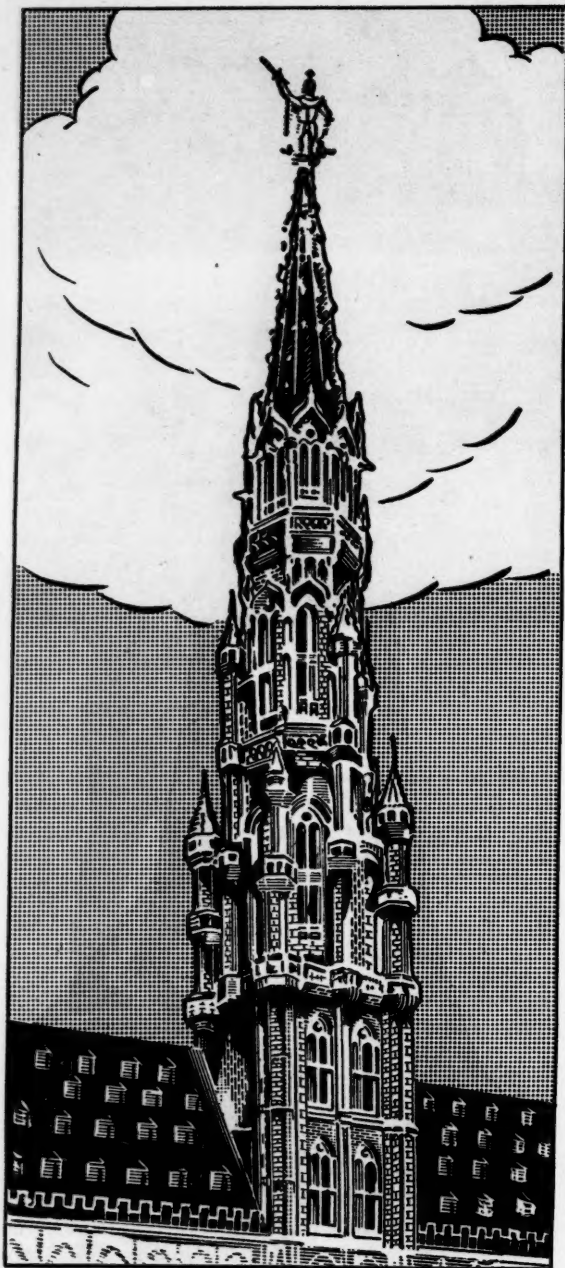


was decreed that religion was to be taught in the family and by the clergy.

According to the law then adopted, if religious instruction is given in school, it must be either before or after the regular class schedule. Moreover, the classical texts were not to be selected by the clergy or submitted to their approval as before. The Church ceased to command the authority that it had had before. Teachers were selected by town councils and had to hold state certificates. Lay inspectors watched over the development of schools. There seemed to be a trend away from church-controlled schools. But at what cost! A most energetic reaction came from the Church. Often one heard this prayer in church: "From godless schools deliver us, Lord!" and, "They shall not have it—the beautiful soul of the children."

It was between 1879 and 1884 that the tension was most aggravated. Thus in 1880 the government ordered an investigation of school affairs. The school





law of 1879 was in harmony with the free principles of the Belgian Constitution, and the time had come when men were to be free and not forced to submit to the rites and practices of one church. But the Roman Catholic Church has always maintained the principle of the subordination of the state to the church. In rebelling against the new law, the clergy followed the injunctions of the *Syllabus* of Pius IX: "The ecclesiastical power must exercise its authority without the permission or assent of government. . . . In case of conflict, civil right can never prevail. . . .

It is expedient that the Catholic religion be the only State religion at the exclusion of all other cults. . . . Catholics cannot approve of an educational system separate from Catholic faith and from the power of the Church."

Thus armed, the Catholic party opposed sternly and incessantly the liberal tendencies in the Belgian schools. The governmental inquiry revealed a few significant testimonies of dubious ethical validity:

"When religion is involved, it is not necessary to speak the truth" (Witness 78, at Neufchâteau).

"A witness may bear false testimony when it is for a good cause" (Witness 160, at Gedinne).

Attractive promises were made to Catholics who would abandon government teaching, but woe to those who persisted! In some places an interdict was pronounced on such a one: "The sacrament of marriage was denied me by the curate of Lisp and by the Dean of Lierre, because I was unwilling to quit the public school," was the testimony of M. Beaujean, teacher at Lierre. When in family discussion fathers favored the public school, mothers were admonished: "Mothers, oppose your husbands. Contradict them; behave as the masters, even as she-tigers if need be. . . . Demand that at least half of your children, if not all, be turned over to you, and leave your husband."—L. DANDON, *La Question de l'Enseignement et la lutte scolaire* (Brussels, 1942), p. 27. "To be a drunkard and to become a vagabond is better than going to public school" (Witness 8, at Gedinne). "You may obtain absolution for a crime, even if you kill your father or mother, but it is impossible if you send your children to public school" (Witness 2, Sottegem).

After 1884 when the school war was ended and the Catholics were in the majority, church schools flourished again and government subsidies increased at a rapid rate—from 300,000 Belgian francs in 1894 to 750,000,000 francs in 1940. In Act 4 of the school law of 1895 it is stated that "elementary education must of necessity include the teaching of religion and morals." All problems seemed to be solved in clerical terms. Minister Schollaert in a speech at Louvain on May 31, 1895, said, "As minister of public education my heart is with the free (Church) school. . . . No more arguments. Let us turn our eyes to Rome: there is Life, there is Truth."

In 1914 a law was enacted that granted new important financial advantages to the Catholic schools. The Liberals, in minority, knew that their struggle was lost, and could only express their feeling as they did through their spokesman, M. Van Marcke:

"As the discussion reaches its conclusion, the party in opposition esteems it an imperious duty to formulate a final protest against the despicable work of the majority, which it has resolved to push to the very limit, inspired only by political passion and religious fanaticism. Its aim is to put the education of children under the protection of the Church and to impose on youth an arbitrary doc-

trine presented as the only truth, undisputed and compulsory. The state is going to pay, without the least control over teachers, methods, books, discipline. The state is only servicing the treasury which serves Catholic teaching."

And M. Vandervelde, Socialist, addressed the majority party on the same occasion:

"You are not satisfied to possess all the liberties which you deny to others. You had to obtain, for your schools, that enormous advantage: the privileges of the public school with all the advantages of the confessional school. . . . Your work is about finished, Masters of the State and Servants of the Church. . . . Henceforth there will be only two kinds of schools in Belgium; the church schools paid by the state, and the state schools dominated by the Church."

After World War I the Church continued to request, and obtain, ever larger state appropriations. The Liberals, in minority, were nevertheless hopeful and active. For the Liberals, M. Devèze said that the country was confronted by an accomplished fact, as far as the schools were concerned, but, he added, "My opinion is that this regime is to disappear." It has not yet disappeared! Ever since 1919 strong statements and protests have not been lacking. The 1919 elections took the Catholic majority away in the House but not in the Senate. It was hoped that some compromise might be worked out. M. Destré asked for a "scholastic peace." An intelligent program was suggested, but it did not materialize because M. Destré did not have sufficient support, and also because the Socialists were more interested in other social problems that were more productive as far as votes were concerned. Thus that regime, which M. Devèze predicted would disappear, made more progress than ever.

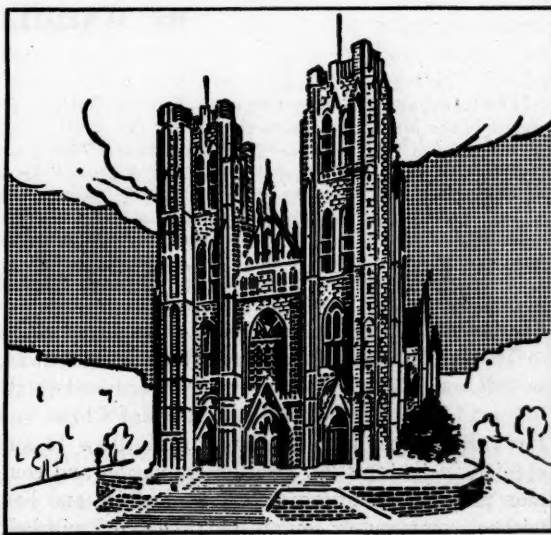
From 1920-1949 nothing was changed. During the last nineteen years, sixteen different ministers of education succeeded one another, which did not make for a continuous progressive program. One of the later advantages obtained by the Social Christian (Catholic) party in majority was, in 1937, a state grant for complete retirement pension to church school teachers. This last success, the Mareke Law, stirred up again the opposition of the Liberals. But too late. The free schools got state funds for church school teachers and, in addition, the payments were made retroactive. These advantages were obtained not only on the elementary and kindergarten level but also in vocational and agricultural church-controlled institutions. Prior to World War II there were in Belgium 1,600 vocational and agricultural schools, with an enrollment of 180,000 and a staff of about 12,500 teachers, calling for an appropriation of 115,000,000 francs. In the Brussels area there were two free (church) schools for every public institution; among the Walloons there were three free schools for one public; and the proportion was five to one in Flemish territory. There were sixteen state-controlled normal schools and fifty-three con-

trolled by the Church, appropriations being, of course, proportionate.

What is the solution of this situation? Can there be a solution?

The Roman Catholic hierarchy in Belgium is one of the most liberal in Europe. However, the disturbances of this year and the bitterness of the conflict are a clear indication that the Church is determined to control education. Its aim is the monopoly of education, which is claimed to be a sacred duty, a sort of divine right. This is not only the claim of the Belgians, but of Catholics in general, as is plainly stated in papal pronouncements.

The issue is rooted in political passion. The most important Belgian political party, the Social Christian party, is Roman Catholic; when that party is in power, as it was until 1954, it channels most of the public-school taxes for the benefit of its parochial schools. When the Liberal and Socialist parties have the majority, they unite and endeavor to diminish at least some of the exclusive rights of the hierarchy. The victims of this endless struggle are the studious youth of Belgium, tossed about in an issue that is a major bone of contention at every election. For too long the public-school system has been hitched to the bandwagon of the Church; for too long has the school system been forced into the groove of the Church, which has been able, through its political party, to drain public finances for its own use. To make a change at the present moment is neither easy nor even possible. Unless the state accepts its full responsibility as outlined in the Belgian Constitution, the country will face other bitter struggles. It is only the application of the principle of separation of church and state that can solve the problem, leaving the Church to attend to its affairs, and the state, through taxes paid by all, to assume its educational responsibility toward the youth of Belgium.





REVIEW PICTURES

DERAT-PONSON, ARTIST

The morning after the Massacre of St. Bartholomew. Such scenes as this prompted the Anabaptist leaders to speak out against "taking up the sword, 'for that has no place whatsoever alongside the cross.'"

## Anabaptist Testimonies on Religious Liberty

By HAROLD S. BENDER

[The "Anabaptist Testimonies on Religious Liberty" appeared in the Mennonite Quarterly Review for April, 1955, as section two of Professor Bender's article "The Anabaptists and Religious Liberty in the 16th Century." It is reprinted by permission. Citations of sources given in the original article have been omitted here.—Ed.]

**L**ET US FIRST HEAR Conrad Grebel (d. 1526), the actual founder of Anabaptism in Zürich in January, 1525, who emphatically states his position to Thomas Müntzer in a letter of September 4, 1524, as follows: "Go forward with the Word and establish a Christian church with the help of Christ and His rule, as we find it instituted in Matthew 18 and applied in the epistles. Use determination and common prayer, and reform according to faith and life, without command or compulsion; then God will help

thee and thy little flock to all sincerity, and the singing and the tablets will cease. There is more than enough of wisdom and counsel in the Scripture, how all classes and all men may be taught, governed, instructed, and turned to piety. Whoever will not amend and believe, but resists the Word and doings of God and thus persists, such a man, after Christ and His Word and rule have been declared to him and he has been admonished in the presence of the three witnesses and the church, such a man, we say, taught by God's Word, shall not be killed, but regarded as a heathen and publican and let alone.

"Moreover, the Gospel and its adherents are not to be protected by the sword, nor are they thus to protect themselves, which, as we learn from our



brother, is thy opinion and practice. True Christian believers are sheep among wolves, sheep for the slaughter; they must be baptized in anguish and affliction, tribulation, persecution, suffering, and death; they must be tried with fire, and must reach the fatherland of eternal rest, not by killing their bodily enemies, but by mortifying their spiritual enemies. Neither do they use worldly sword or war, since all killing has ceased with them."

Of Felix Manz, the closest associate of Grebel and the first Zürich Anabaptist martyr (January, 1527), the Zürich court records show that twice, in 1525 and 1526, he admitted that he taught that those of other faiths are to be left undisturbed in their practice. This is a negative statement, indeed, but one that clearly implies the recognition of the rights of other religious persuasions to freedom.

In his petition of December, 1524, to the Zürich Council, answering Zwingli's charge of sedition against the group, Manz pleads that no force be used to suppress those who reject infant baptism, pleading that the Word of God be allowed full course, "for if it be allowed to speak of itself freely and singly, no one will be able to withstand it, . . . if only freedom be given and the truth be treated with trust." He entreats them "most earnestly that you do not stain your hands with innocent blood supposing that you are serving God should you kill or exile persons."

The refusal of both Grebel and Manz, and for that matter of all the Swiss Brethren, to recognize the jurisdiction of the state in matters of faith, and their insistence that toleration would not undermine the state as Zwingli claimed, finds its first direct expression at the second Zürich disputation of October, 1523, when Grebel and Stumpf openly opposed Zwingli's decision to submit to the Zürich City Council the matter of the reformation of the Zürich church. Here is where the first break in the Reformation occurred, which led inevitably to the founding of Anabaptism. In 1523-25, at Zürich, are the crossroads from which two roads lead down through history: the road of the free church of committed Christians separated from the state, with full religious liberty; and the road of the state church, territorially fixed, depending on state support, and forcibly suppressing all divergence—the road of intolerance and persecution. It is the same decision which Luther also consciously made, though he was not so directly challenged on the issue by the Anabaptists. Freedom of conscience and separation of church and state were, of course, not the central principles of Anabaptism; however, they logically accompanied its basic position and were always held by it.

Let us next hear Dr. Balthasar Hubmaier, who had become a full Anabaptist by baptism in March, 1525, who by 1526 was leader of the large congrega-

tion at Nikolsburg, Moravia, and who was burned at the stake in Vienna in May, 1528. His four-page pamphlet, *Von ketzern und iren verbrennern*, was submitted to the vicar of Constance on January 24, 1524, while he was still the Lutheran pastor at Waldshut, and it has been called the first Protestant declaration for religious freedom. In the thirty-six articles of this clear and unequivocal statement Hubmaier pronounces the very idea of "heretic" an invention of the devil, calls for the loving and patient instruction of heretics and their persuasion by sanctified teachers as the only possible way to overcome them, and declares that heretic burners violate the teaching and example of Christ, actually denying Him while outwardly appearing to be Christian. Here are some major excerpts:

"So it follows that the slayers of heretics are the worst heretics of all, in that they, contrary to Christ's teaching and practice, condemn heretics to the fire. By pulling up the harvest prematurely they destroy the wheat along with the tares. . . . A Turk or a heretic cannot be persuaded by us either with the sword or with fire, but only with patience and prayer, and so we should wait patiently for the judgment of God. . . . It cannot serve as an excuse (as they claim) that they transfer the sinner to the temporal power, for he who so delivers them has the greater sin (John 19). . . . Therefore let the temporal power duly slay evildoers (Rom. 13), and those who have attacked the defenseless. But the foes of God no one should harm, for He Himself would have it not otherwise, and the Gospel leaves it thus. . . . So, to burn heretics is to recognize Christ in appearance, but to deny Him in reality. . . . Now let this saying be evident to everyone, even to the blind: the heretic is an invention of the devil."

Hans Denk was one of the gentlest, most attractive spirits of the Reformation period (Troeltsch), more of a spiritualist than an Anabaptist, yet an outstanding Anabaptist leader for a time, who died of his hardships in the house of Bentinus in Basel in November, 1527. The spirit of his several writings speaks for love, peace, and tolerance, and he specifically calls for tolerance: "Everyone should know that in matters of faith everyone should proceed as free, voluntary, and uncompelled." In his picture of the true "Gottesstaat" he says:

"When the right Gospel is practiced there will be such a state in external matters also, that every man will permit every other man, be he Turk or heathen believing what he will, to travel and dwell through and in his land. . . . No one will take vengeance on another, whether Turk, heathen, or Christian, but permit him to dwell and move in every land in the name of his God."

In his final statement to Oecolampad shortly before his death, erroneously and gloatingly published by Oecolampad two years later as *Hans Dencken wid'ruff*, Denk writes of "Sects" as follows:

"Wheresoever there are hearts that cherish this good work of God through Christ and follow in His steps, I rejoice over them and love them as well as I can recognize them, but as to those who do not wish to hear me and still cannot



**"So it follows that the slayers of heretics are the worst heretics of all, in that they, contrary to Christ's teaching and practice, condemn heretics to the fire. By pulling up the harvest prematurely they destroy the wheat along with the tares."—Balthasar Hubmaier.**

keep quiet about the things in which we differ, I cannot have much fellowship with them, for I do not feel the mind of Christ in such, but a perverted mind which tries to drive me by force from my own faith and compel me to accept his. . . . But he should know that in matters of faith everything should be voluntary and uncompelled. . . . Persecution, and other such fear, has separated me from others, but my heart is not turned away from them or from any God-fearing soul."

One of the finest testimonies of all is that of Kilian Aurbacher of Moravia, who said in a letter of 1534 to Butzer in Strasbourg:

"It is never right to compel one in matters of faith, whatever he may believe, be he Jew or Turk. Even if one does not believe uprightly or wants to believe so, i.e., if he does not have or want to have the right understanding of salvation, and does not trust God or submit to Him, but trusts in the creature and loves it, he shall bear his own guilt, no one will stand for him in the Judgment. . . . And thus we conduct ourselves according to the example of Christ and the apostles and proclaim the Gospel according to the grace that He has entrusted to us; we compel no one. But whoever is willing and ready, let him follow Him, as Luke shows in Acts. That this then also is an open truth, that Christ's people are a free, unforced, and uncompelled people, who receive Christ with desire and a willing heart, of this the Scriptures testify."

At the Zofingen (Switzerland) disputation of 1532 between the Reformed clergy of Bern and the Anabaptists, the printed record quotes the Brethren as saying:

"Clearly the Lord has instituted in His church no severer punishment than excommunication, which was also practiced by Paul. If now you would inflict punishment according to the Law, which is based on justice, the adulterer would have to be put to death without mercy and could not be spared, even if he repented. Thus the Law demands punishment according to strict justice, but the Gospel according to love by excommunication for repentance. . . . Therefore we do not admit or confess that the church has power to use the sword or to mete out punishment beyond excommunication."

That this Swiss Anabaptist position was continued unchanged through two generations of persecution is evinced by an appeal of the Zürich Anabaptists to the City Council dated April 23, 1589, setting forth their principles. It asserts that "the state authorities have no place in the church of God, no right to control and persecute the conscience, and that this principle is not one which they, the Swiss Brethren, have only recently proved out of Scripture."

But all this has been so well summarized by a bitter enemy of the Swiss Anabaptists, Heinrich Bullinger of Zürich, that even if we had no surviving quotations of the Anabaptists themselves, their position would be unmistakable. After thirty years of experience with the Anabaptists, as leader of the Zürich Reformed Church, in his *magnum opus* of 1561 against them, *Der Widertoeufferen ursprung, fůrgang, Secten, Waesen, fůrnemen und gemeine jrer leer Artickel, ouch ire grůnd und warumb sy sich absůnderind unnd ein eigne kirchen anrichtend, mit widerlegung und antwort uff alle und jede grůnd und artickel*, Bullinger sets forth clearly and emphatically the Anabaptist belief in freedom of conscience, tries to refute it point by point, and defends the Zürich policy of intolerance and execution. According to Bullinger the Swiss Brethren asserted:

"One cannot and should not use force to compel anyone to accept the faith, for faith is a free gift of God. . . . It is wrong to compel anyone by force or coercion to embrace the faith, or to put to death anyone for the sake of his erring faith. It is an error that in the church any sword other than that of the divine Word should be used. . . . The secular kingdom should be separated from the church, and no secular ruler should exercise authority in the church. . . . The Lord has commanded simply to preach the Gospel, and not to compel anyone by force to accept it. . . . It is the work of the great Judge to separate the tares from the good seed. This will be done by Christ at the last day only. For when in the parable of the tares among the wheat the servants came to their master saying, 'Wilt thou that we go and gather in the tares?' his reply was, 'Nay, lest while you gather up the tares, you root up also the wheat with them. Let both grow together until the harvest; then I will tell the reapers to gather together the tares and bind them in bundles to be burned.' And since the field is the world and the tares are the children of the wicked one, or of the evil doctrine, and the Lord has clearly ordered, 'Let both grow together,' therefore the government should not undertake to destroy the tares by punishment and death. . . . Paul gives definite instruction regarding the attitude which the church should take toward a heretic, and says, 'A man that is an heretic after the first and second admonition, exclude.' So Paul instructs the church to exclude a heretic (Titus 3:10), not to torture, maltreat, or kill him. . . . The true church of Christ has the characteristic that it suffers or endures persecution but does not inflict persecution upon any one. . . . To put to death an erring man before he has repented means to destroy his soul. Therefore one should not kill him but wait for his conversion, lest both body and soul be destroyed. Often a man who is in fatal error forsakes it and turns to the truth."



Bullinger further attempts to justify the persecution when he says:

"There are those who say that by approving and defending such punishment [as was meted out to the Brethren], we simply press the sword into the hands of those who have always persecuted and put to death evangelical people, and who will now storm and rage against them more furiously. But those who assert this are doing us an injustice. For the fact that some do misuse the sword in such a way [against Bullinger's party] is no valid argument that it should not be used at all."

He then adds that to persecute and kill "evangelical people" is a "grievous, great sin which is crying to God for vengeance," but at the same time he insists that to put to death Anabaptists is a necessary, commendable work. "Since we admonish the Christian governments not to tolerate the dissenters, the Anabaptists call us men of blood who put to death good people who refuse to believe what we believe and practice." These statements represent the position of virtually all the Protestant reformers of the state-church type.

Sebastian Franck's testimony in his *Chronica* of 1531, of a generation earlier, based on personal questioning of Anabaptists, says virtually the same thing:

"As many as I asked about this answered that they were here to suffer with patience for Christ's sake, not to fight impatiently. Christians must not war for the Gospel's sake, for the Gospel teaches and desires that it be protected and confirmed not with the fist (as the peasants thought) but with suffering and dying. We are not to fight but to suffer, as we see in Christ and the apostles an example, who never called on force to protect their cause with the fist. They also criticize all those who teach a warlike Christ and want to win out for the Gospel by means of the sword, because they have no teaching or example for this from Christ, or the apostles, or the primitive church."

A representative statement from the *Chronicle* of the Hutterian Brethren, written before 1542, will suffice to give the views of that branch of the Anabaptists:

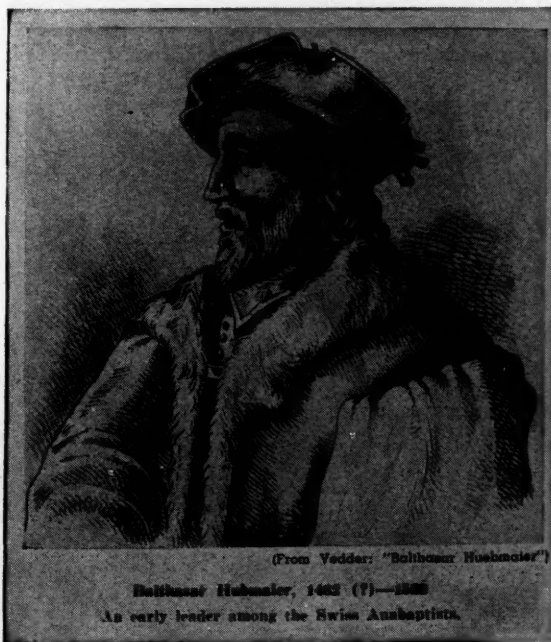
"Their teachings do Luther and Zwingli support and defend with the sword which [i.e., the sword] they really have received and learned from the father and head Antichrist, well knowing that the weapons of the Christian soldier are not carnal but mighty before God to destroy all human attacks. Wherefore faith is not to be compelled but is a gift of God. And Christ speaks to His disciples, 'If any man will follow me [meaning if any purposes and desires], let him deny himself and take up his cross.' He does not say, '[take up] the sword,' for that has no place whatsoever alongside the cross. These two stand together like Christ and Pilate; they are as alike as wolf and sheep in one stall."

The greatest of the Anabaptist leaders was Menno Simons of Holland, who joined the group at Leeuwarden in 1536. Harried and hunted though he was with a price on his head, until his death in 1561 at Wüstenfelde near Lübeck, he carried on a widespread activity as the recognized chief elder. His extensive writings (1539-61) give abundant and vigorous

testimony on the cardinal points of religious liberty, noninterference of the state by force in matters of faith, complete separation of church and state, and the limitation of church discipline to the use of the ban. Since in 1536 the spectacle of the fanaticism at Münster stigmatized the peaceful Reformation sectaries, Menno conceived one of his most urgent tasks to be the defense of the peaceful Anabaptists from the accusations of conspiracy and revolutionary violence. So in a lifetime of apologetic writing he repeatedly affirmed the nonresistant character of Anabaptism. But beyond declaring nonresistance as a group principle, he challenged princes and magistrates to cease their killing of dissenters as being both unchristian and ineffective. His abhorrence of coercion led him also to challenge the moral basis of any use of capital punishment in penal treatment.

Menno's underlying theme was that faith, as a gift of God, cannot be enforced by the coercive power of the state. This led him to assert that the state has no authority in matters spiritual. Belief or unbelief is not a legitimate concern of the state. The state has its sphere of duty in matters temporal—the preservation of order and the punishment of transgressors. He frequently wrote of freedom of individual conscience, and plainly affirmed that the believer cannot comply with a secular compulsion upon the conscience. Joining the church is essentially a voluntary decision, which, to be sure, entails that one must accept the group discipline of the brotherhood according to the New Testament pattern.

In his open letters addressed to men in authority, Menno Simons asked rulers to be concerned for the



(From Vedder: "Baltheasar Hubmaier")

Baltheasar Hubmaier, 1492 (?)—1528

An early leader among the Swiss Anabaptists.



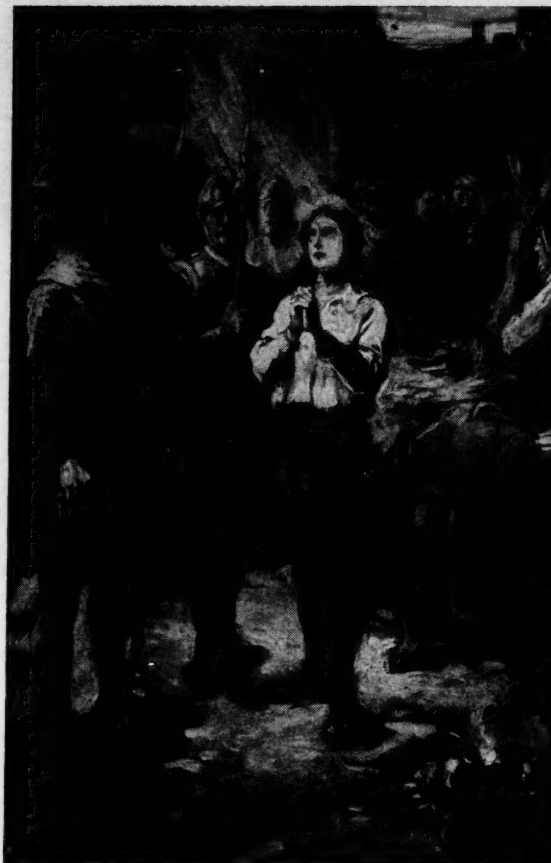
welfare of "widow, orphan, and stranger" and to render justice without discrimination among all persons. He writes that he asks no favors of the government for his own group except sufficient protection so that in liberty of conscience they may "live, teach, labor, and serve the Lord."

Menno spoke severe words against the state churches of his day, so severe that one might conceivably question whether he respected the right of existence of those of other confessions. Although he found little good in the established churches, he did not dispute the probability of there being many Christians in other confessional groups, and on the basis of his teaching that Christians must be active in works of mercy toward all mankind without exception, he practiced toleration. This was demonstrated in 1552 when he and a small group of Anabaptists were living at Wismar in Mecklenburg. In midwinter a ship arriving at Wismar with a load of Zwinglian refugees from England was frozen fast a short distance from shore. Wismar, a Lutheran town, extended no aid, Menno relates, but Menno's own congregation assisted the refugees, provided them with bread and wine, and offered them financial aid, thus in fact respecting the integrity of those of other confessions. The climax of the story comes, however, when the Zwinglians whose lives Menno had saved disclosed his hiding place to the authorities, thus compelling him to flee.

Menno gave testimony to his views in the following excerpts from his writings:

"Tell me, kind reader, where have you, in all the days of your life, read in the apostolic Scriptures, or heard, that Christ or the apostles called upon the power of the magistracy against those who would not hear of their doctrine or obey their words? Yea, reader, I know to a certainty that wherever the government is to perform the ban with the sword, there is not the true knowledge, Spirit, Word, and church of Christ" (II:71).

"Faith is a gift of God, therefore it cannot be forced upon anyone by worldly authorities or by the sword; alone through the pure doctrine of the holy Word and with humble, ardent prayer it must be obtained of the Holy Ghost as a gift of grace. Moreover, it is not the will of the Master of the house that the tares should be rooted up as long as the day of reaping is not at hand, as the Scriptural parable teaches and shows with great clearness. . . . Further I say: If the government rightly knew Christ and His king-

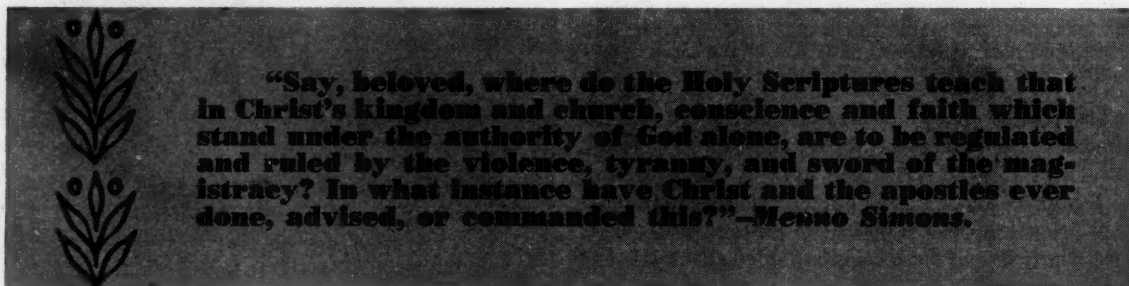


CHARLES MENTE, ARTIST

Hubmaier pronounced the very idea of "heretic" an invention of the devil, and declared that heretic burners violate the teaching and example of Christ, actually denying Him while outwardly appearing to be Christian.

dom, they would in my opinion rather choose death than with their worldly power and sword undertake to settle spiritual matters, which are not subject to the authority of man but to that of the great and almighty God alone. But now they [the magistrates] are taught by their theologians that they should arrest, imprison, torture, and slay those who are not obedient to their doctrine, as may, alas, be seen in many cities and countries" (II:104).

"Beloved rulers and judges, if you take to heart these cited Scriptures, and diligently reflect upon them, you will observe that . . . you should not so unscrupulously, with your earthly and temporal power, undertake to adjust that



"Say, beloved, where do the Holy Scriptures teach that in Christ's kingdom and church, conscience and faith which stand under the authority of God alone, are to be regulated and ruled by the violence, tyranny, and sword of the magistracy? In what instance have Christ and the apostles ever done, advised, or commanded this?"—Menno Simons.

which belongs to the jurisdiction and kingdom of Christ, the Prince of all princes; you should not by your iron sword judge and punish that which is reserved solely for the judgment of the Most High, namely, the faith and matters pertaining thereto, as also Luther and others maintained in the beginning of their labors, but after they had come to a higher and more exalted station, they had forgotten it all" (II:303).

"Say, beloved, where do the Holy Scriptures teach that in Christ's kingdom and church, conscience and faith, which stand under the authority of God alone, are to be regulated and ruled by the violence, tyranny, and sword of the magistracy? In what instance have Christ and the apostles ever done, advised, or commanded this? For Christ says simply: 'Beware of the false prophets,' and Paul commands that a heretic is to be shunned after one or two admonitions. John says that we shall not greet or receive into our houses the transgressor who does not bring the doctrine of Christ. But they say not: 'Down with the heretics, arraign them before the magistrates, imprison them, drive them from cities and countries, cast them into the fire and water,' as the Roman Church has done for many years, and even now is found to a great extent among you who fancy yourselves to adhere to the Word of God" (II:118).

Concluding this gallery of Anabaptist witnesses for religious liberty are the founder of the Baptist Church in England, John Smyth, and his associate Thomas Helwys, both of whom were directly under Dutch Mennonite influence and who were among the first advocates of complete religious freedom in England. The first Baptist confession of faith, of 1611, written by Smyth, held that the magistrate is not by virtue of his office to meddle with religion or matters of conscience, to force men to this or that form of religion, but to leave the Christian religion free to every man's conscience. Thomas Helwys' book *The Mystery of Iniquity* (1612) insisted on universal religious liberty.

When one compares the witness on religious liberty of the sixteenth-century Anabaptists with that of Sébastien Castellio (d. 1563) in his outstanding book *De Haereticis, an sint persequendi* (1554), he will find no literary treatise, or even rational defense of the principle, which approaches the power of Castellio's work. He will find only simple, direct witness and challenge. For example, the four-page tract by Hubmaier written thirty years earlier, though powerful in its way, is only a brief personal confession. The Anabaptists, from Grebel and Hubmaier on down, dared to challenge directly the powers that be, advocated freedom in their preaching and writing, gave their lives for what their hearts and minds told them was right, and sought openly to build a church based upon free and voluntary consent and a personal, uncompelled experience of religion and commitment to Christ. Their steadfast refusal to yield to compulsion, and their doing so in nonresistant love and with a godly life, was perhaps their most effective support of the principle of religious liberty.

A good illustration of this effect of the Anabaptist steadfastness under martyrdom is the case of Nich-

FIRST QUARTER

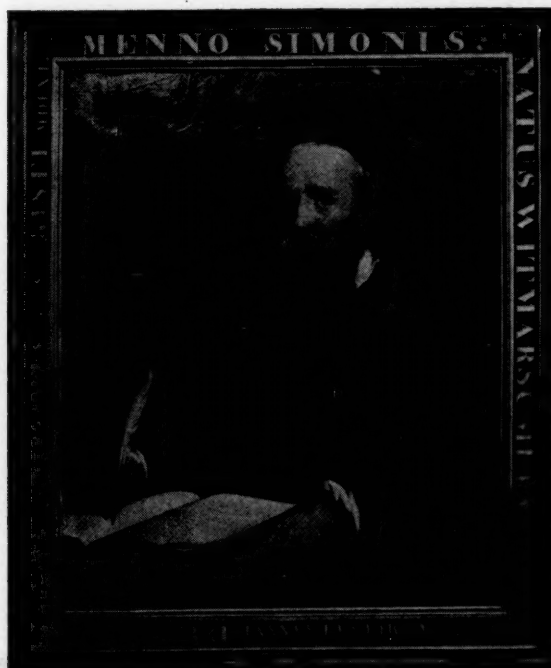
olas Zurkinden, a leading member of the council of Bern and a good friend of Calvin. One of the Anabaptist executions of 1537 or 1538 in Bern made such an impression upon him that he never forgot it, and in 1554, seventeen years later, he wrote John Calvin about it as follows:

"I freely confess that I also am one of those who desire to see the sword used as seldom as possible as a means of compulsion upon the opponents of the faith: and I am moved not so much by the Scripture passages which are cited, to keep the edge of the sword away from the treatment of matters of faith, as the unbelievable examples which have occurred in our time in the punishment of the Anabaptists. I was witness here when an eighty-year-old grandmother and her daughter, a mother of six children, were led to their death for no other reason than that they rejected infant baptism in accord with the well-known and common teaching of the Anabaptists. This one example out of many may suffice. It has deeply shaken me, and I fear the authorities may not remain within the limits which you assign to them, namely, that only the worst destroyers of faith and religion are to be punished with death."

Later he again wrote to Calvin:

"I know magistrates who regret to have participated in death sentences and who would rather have a hundred enemies than to have the death of a single human being on their consciences. I speak now not of Servetus and other blasphemers but of countless good persons."

Once Zurkinden met a fellow councilor of Bern coming from an Anabaptist execution, who confessed to him that the poor victim had laid his neck before the executioner with a better conscience than he himself would probably have on his deathbed.



Menno Simons wrote that he asked no favors of the government for his own group, except sufficient protection so that in liberty of conscience they might "live, teach, labor, and serve the Lord."

## THE "SPIRIT OF 1896"

[Liberty hails a Philippine association dedicated to freedom.—Ed.]

### MANIFESTO

THE "SPIRIT OF 1896" is an Association of Filipinos of various political affiliations, religious beliefs, and walks of life. They have banded together for the patriotic purpose of conserving, protecting, and strengthening, through lawful means, fundamental human rights, democracy, nationalism, and independence which were proclaimed by our forefathers, won by the Revolution of 1896, embodied in the Malolos Constitution, and now consecrated in the Constitution of the Republic of the Philippines. Among our objectives and principles are the following:

- (1) That the government shall embody Filipino ideals and secure the blessings of independence under a regime of justice, liberty, and democracy;
- (2) That the separation of church and state shall be maintained forever;
- (3) That no religious test shall be required for the exercise of civil or political rights;
- (4) That no public money or property shall be applied or used, directly or indirectly, for the benefit of any sect, church, denomination, or system of religion;
- (5) That the government shall always maintain a complete system of public education, and universities established by the state shall enjoy academic freedom;
- (6) That the national patrimony shall be conserved for Filipinos.

Recent events warn us that certain reactionary elements are systematically and persistently undermining these principles. The "Spirit of 1896" is solemnly pledged to oppose any violation of these principles and hereby emphatically declares that it shall fight:

(a) Any effort of any church organization to divide our people on the basis of religious creed by urging them to vote for candidates not in accordance with their merits and political objectives but on account of their church affiliation. Similarly, we shall oppose any movement to place any church in a preferred position over other churches, thereby making it practically the state church.

(b) Any effort to obstruct or facilitate the appointment of any person to a public office on the ground of religious affiliation, contrary to the Constitution of the Republic of the Philippines.

(c) Any attempt to place church laws over and above the laws of the state, such as refusing to recognize civil marriages or marriages in other churches performed in accordance with law.

We condemn the persistent gratuitous and unjust attacks against the public schools as godless, it being an undeniable fact that the public school textbooks are replete with affirmations of belief in God. Such attacks are deliberate attempts to subvert the public school system which is the bulwark of our democratic society. We strongly advocate the compulsory study of Rizal's teachings, as found in his writings, in all public and private schools, and we condemn the deliberate distortion of his works and the facts of his life.

We protest against any action of the Board of Review for Motion Pictures which tends to discriminate against any church.

We condemn any activity of alien religious representatives which are inimical to democracy and freedom.

We firmly believe that for the preservation and development of true Filipinism, only Filipinos should be allowed to teach Philippine history and civics and that the direction and control of all educational institutions should be vested in Filipino hands only.

The "Spirit of 1896," steadfastly adhering to faith in God, will strongly oppose any attempt of any church to acquire political power to control, directly or indirectly, the government of the Republic of the Philippines or its officials. We appeal to the Filipino people to meditate upon the grave and imminent danger to our democratic principles and national dignity, and invite them to be with us in this patriotic crusade to uphold our Constitution. "Eternal vigilance is the price of liberty." Long live the "Spirit of 1896"!



An Alarming Development



## Religion in Philippine Public Schools

By J. D. CRISTOBAL

*[The voluntary liberation of the Philippine Commonwealth by the United States Government in 1946 was widely praised. It is natural that from long association the political framework of the two republics should be similar. There are also similar problems. Because the large majority of Filipinos are Roman Catholics, an insistence upon teaching religion in the public schools is causing deep concern to Protestants as well as to many Catholics. Mr. Cristobal, an earnest Philippine advocate of religious freedom, discusses the problem.—Ed.]*

**T**HE CONSTITUTION OF THE PHILIPPINE COMMONWEALTH definitely provides for complete separation of church and state. Article III, Section 1, Paragraph 7, reads:

"No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights."

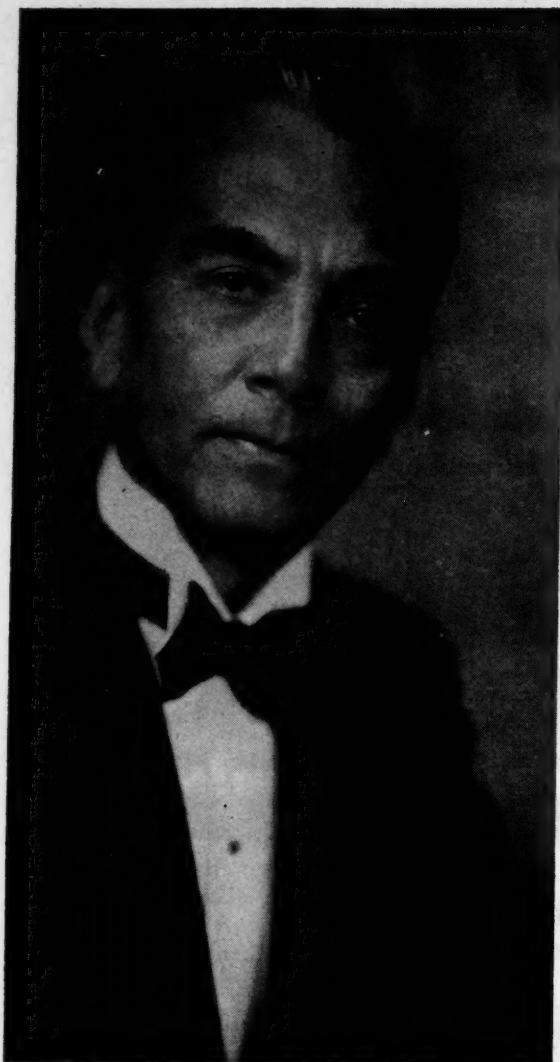
Article VI, Section 23, Paragraph 3, provides:

"No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sec-

tarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium."

Liberty-loving people in the Philippine Commonwealth are awaking, however, to the unfortunate fact that another provision, contained in Article XIV, Section 5, is not only contrary to the spirit of the constitutional provisions quoted above, but conflicts directly with Article VI, Section 23, Paragraph 3. This contradictory provision reads: "Optional religious instruction shall be maintained in the public schools as now authorized by law." It is through this one loophole in the Constitution that crafty opponents of the principle of separation of church and state have been intruding, in order to make the public-school system of the Philippine Commonwealth a medium for religious propaganda.

It is significant to note that since church and state have been separated here in the Philippine Islands, a powerful religious organization, whose intrusion



HARRIS & EWING

Former President Quizon stated that "being a Catholic myself, I am less interested in preserving the independence of the Church from the State than I am in preserving the independence of the Government from the Church."

into the public-school systems of some other countries is a well-known fact, has repeatedly made the attempt to take advantage of this soft spot in the Constitution. Its purpose is of course to use the public schools for the propagation of its particular doctrines. The strongest of these attempts, up till now, came in 1938, when the National Assembly passed Bill 3307, which was designed to augment further the intrusion of the Church in the public schools. Fortunately for the lovers of religious liberty in the Philippine Commonwealth, the late President Quizon vetoed it.

Now another attempt is being made through Department of Education Order No. 5, series 1955, over signature of the secretary, G. Hernandez, Jr. Order No. 5 reads in part as follows:

"Republic of the Philippines  
Department of Education  
OFFICE OF THE SECRETARY  
Manila

May 3, 1955

"DEPARTMENT ORDER  
NO. 5, s. 1955

"MORE EFFECTIVE IMPLEMENTATION OF  
OPTIONAL RELIGIOUS INSTRUCTION

"1. Permission for optional religious instruction in the public schools is granted by law and the Constitution. The basic policy of this administration with regard to the implementation of the provisions involved is to give this permission the fullest effectivity.

"2. Section 55 of the Service Manual as amended by Administrative Order No. 209, s. 1953 of the President of the Philippines provides that:

"1. . . Such instruction may be given one-half hour three times a week during the school session, or before or after the same, at such hours and rooms in the public school building as shall be fixed by the Superintendent of Schools, taking into consideration the peculiar conditions obtaining in the different communities in his division, and providing the best facilities available for such optional religious instruction."

"3. In order to provide for all the religious denominations in which instruction may be requested by the parents for their children, the Department suggests any of the following time allocations for optional religious instruction, or such modification or combination of the same as may enable the fullest implementation at the discretion of the Division Superintendent in consonance with the terms of the above Section of the Service Manual as amended by Administrative Order No. 209, s. 1953 of the President of the Philippines:

"(a) The religious instruction period may be staggered during the school session in such a way as to enable the teacher in religion to teach in the public school building for more than one thirty-minutes period a day, three times a week, to different groups of pupils in the same school, provided no pupil is given instruction under this arrangement, for more than the maximum length of time allowed by law. . . .

"In case two or more religious education teachers belonging to different religions apply, the superintendent in conference with these teachers and the principal shall decide the most satisfactory program considering the peculiar conditions obtaining in the different schools. . . .

"4. Petitions for time allocations for optional religious instruction during the school sessions should be submitted to the principal of the public school concerned within two weeks after the opening of each semester. Petitions for time allocations for optional religious instruction before or after the school sessions may be submitted at any time during the school year. . . .

"5. In case the optional religious instruction is given during the school session, any child not receiving said instruction should remain in school under the supervision of their regular teachers. . . .

"9. The Constitutional provision permitting optional religious instruction in the public schools is an express exception to the principle of separation of Church and State. 'Optional religious instruction was decreed as a constitutional mandate not so much for the benefit or support of any particular sect or system of religion as for the development and upbuilding of the spiritual standard and moral

values of the public school pupils with the end in view of producing straight-thinking, morally upright and God-fearing citizens of the nation' (Opinion No. 157, s. 1953 of the Secretary of Justice).

"10. Cooperation and goodwill in this matter extended by public school officials and teachers to parents, and representatives of religious sects cannot fail to reap greater appreciation and support for the public school and its service to the community.

"(SGD) G. HERNANDEZ, JR.  
Secretary of Education"

Secretary Hernandez stated, as reported by the papers, that there is nothing new in this order: that the program merely consolidated procedures, regulations, and laws on religious instruction which had been in existence since 1954. I am glad to note this admission on the part of the Secretary, that this method of implementation he advocates is only a year old. Compared then with the method of implementation from 1901 to 1953, his is new—so stunningly new that if it is actually implemented, we shall find priests, ministers, and religious teachers in the public schools through all the hours of the school session during the week.

Consider, for example, two of the laws which the Secretary cited as the legal basis for this order. Section 1, Article 359, of the New Civil Code did not become part of the statutory law until 1950. It contains the controversial phrase, "taught as part of the curriculum," which was inserted as a "rider" by one man, we were told, over the objection of the other members of the Code Revision Committee. The other one is the administrative order of President Quirino, dated April 17, 1953. These legal bases are certainly new. We therefore cannot help but object

to the method of implementation as outlined by Order No. 5, because it differs from the accepted interpretation of the Constitutional provision on religious instruction from 1901 to 1954, and because it will serve as the first step toward breaking down the wall of separation between church and state.

The time-honored interpretation of the Constitutional provision on religious instruction in the public schools heretofore prevailing has had the blessing of such statesmen as the late United States President and later Chief Justice of the United States Supreme Court, W. H. Taft; former Governors-General Harrison, Wood, Gilmore, and Murphy; and the Philippine Presidents Quezon, Osmeña, Roxas, and Quirino.

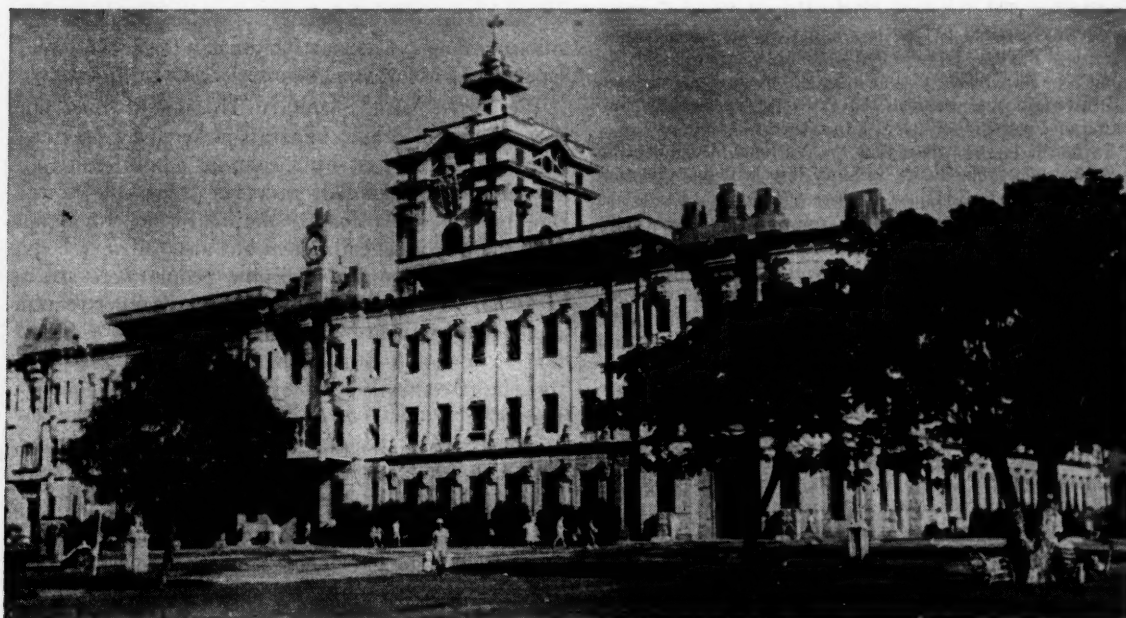
Secretary Hernandez held that President Quezon vetoed Bill 3307 because, in his opinion, it impaired the discretion of the Division Superintendent of Schools. This was not the only reason. There were three grounds on which the President based his veto:

"1. Contrary to the provisions of Article VI, Section 12, Paragraph (1), of the Constitution, the real subject of the bill is not expressed in its title.

"2. In violation of the cardinal principle of constitutional law that a discretionary power granted by the Constitution to the Executive may not be abridged by either the Legislative or the Judicial branch of the Government, the bill restricts the discretion vested by the Constitution in the Superintendent of Schools to fix the hour for religious instruction in the public schools.

"3. The bill substantially changes the policy embodied in Section 928 of the Administrative Code regarding optional religious instruction, the maintenance of which is ordained by the Constitution."

Article VI, Section 12, Paragraph 1, of the Con-



Exterior view of one of the buildings at Santo Tomas, a great university located in the center of the city of Manila.



stitution provides: "No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill."

"The title of the bill under consideration reads: 'An act to carry out more effectively the provisions contained in Section 928 of Act No. 2711, known as the Administrative Code, and in Section 5, Article XIII, of the Constitution.' According to this title, the object of the bill is merely the enforcement of Section 928 of the Administrative Code and the compliance with the provision of Section 5, Article XIII, of the Constitution. The truth, however, is that Section 1 of the bill not only amends the language but also violates the spirit of Section 928 of the Administrative Code and thereby contravenes Section 5, Article XIII, of the Constitution. This is clear from a mere comparison of Section 928 of the Administrative Code with Article I of the bill."

For any public-school teacher to require pupils to attend and receive the religious instruction permitted, simply because the parents requested such, is a violation of Section 928 of the Administrative Code:

"... But no public school teacher shall either conduct religious exercise or teach religion or act as a designated religious teacher in the school building under the foregoing authority, and no pupils shall be required by any public school teacher to attend and receive the religious instruction herein permitted."

It was as a violation of this Section of the Administrative Code that Bill 3307 weighed so heavily in the thinking of President Quezon, causing him to veto it, as attested to by his statement, which follows:

"As already stated, optional religious instruction was prescribed by law as early as 1901. Under said law and conformably to its provisions, rules and regulations were issued by the Bureau of Education which had been in force without change until 1934, prior to the approval of the Constitution. The members of the Constitutional Convention were cognizant of the law and the rules and regulation promulgated thereunder. Attempts were made to change the law. The Constitutional Convention rejected these attempts and went to the extent of specifically confirming and ratifying the legislation then in force.

"To me, it is very clear that the National Assembly can in no manner amend the present law without violating Section 5, Article XIII, of the Constitution. Any attempt directly or indirectly, to give to religious teaching in the school an importance lesser or greater than is now accorded to it by law, would be unconstitutional. Even without recurring to the statements of Mr. Taft above adverted to, the letter and spirit of Sections 927 and 928 of the Administrative Code which, by reference, have been made a part of the Constitution, clearly indicate, in my opinion, that the intent and purpose thereof, is merely to tolerate the teaching of religion in the public schools and not to give it such prominence or encouragement, as contemplated in the bill under consideration [italics added].

"In view of the foregoing, I am returning the Bill No. 3307 of the National Assembly without my signature."—*Messages of the President*, vol. 4, part I, pp. 419-428, Bureau of Printing, Manila, 1939.

In his message to the National Assembly on July 25, 1938, President Quezon referred again to his veto of Bill 3307:

"I have considered it advisable to do this, because I regard the controversies that have arisen in relation to the bill on religious instruction of such seriousness and importance that it would be well for the whole nation and all the parties involved that they may be settled now and forever. These controversies are pregnant with the seeds of popular dissension and I trust that the National Assembly will cooperate with me in my earnest endeavor to guard our country against the bitter strifes that have risen in other nations because of similar or allied causes. Let us not by our refusal to face these dangers merely postpone the inevitable conflict which, notwithstanding the sound and patriotic purposes of those engaged therein, will inevitably degenerate into a religious struggle with all its accompanying evils. . . .

"It must be borne in mind, moreover, that in consonance with most constitutions recognizing religious freedom and the separation of church and state, our Constitution expressly prohibits the use of any public property, directly or indirectly, in the interest of any religion. Taking into consideration all these provisions of the Constitution, the conclusion is inescapable that the precept relating to religious instruction does not provide a limitation to rights that otherwise exist under the Constitution, but is permissive in nature and establishes a privilege which otherwise would not exist. This fact, by every rule of statutory construction, compels the strictest interpretation of such provisions. This was my conviction when I vetoed the measure [Bill No. 3307], and I have not changed my views of the matter. . . . [Italics added.]

"I am persuaded after a careful study, not only by the express provisions of the Constitution regarding this subject, but also by the essential implications from the doctrine of separation of church and state, that the Government of the Philippines cannot do more in reference to religious instruction in the public schools than what is now [1938] authorized by law."

Were it not for this provision on optional religious instruction, no religious teacher could teach religion for even twenty minutes in any of our public schools. This optional clause is an exception to the rule in a democratic state holding to the principle of separation of church and state.

We agree with Secretary Hernandez that our "school system cannot be strait-jacketed by practices observed in the past by a colonial administration." We are more than half a century this side of the practices of one colonial administration, when not only the public-school system but also the very body, mind, and soul of the Filipino people were strait-jacketed. If our public-school system "cannot remain unaffected by evolutionary process" then let us guard that it be not a retrogression, through a return to the clergy-controlled school system of the Spanish regime.

Let us not forget that we cannot promote religion effectively by official means. Let us spare our children and our people the anguish of being publicly coerced into a form of faith that their spirits reject, or of having to pay money for its support. Let us acknowledge that indoctrination in religious tenets and religious experience cannot be attempted through the public schools without the gravest complications.



BEN RUCK

Let us spare our children and our people the anguish of being publicly coerced into a form of faith that their spirits reject, or of having to pay money for its support.

In a speech delivered at the New Luneta in Manila on July 17, 1938, President Quezon declared:

"The doctrine of the separation of the church and state was not enunciated by a king or a president, or by a pope or a bishop, but our Lord Jesus Christ Himself. While our Lord was still in this world, there were those who wanted to show Him up as a false prophet, so they went to Him and asked whether they should pay the taxes demanded by the Roman government or not. Thereupon Jesus asked them to hand Him a coin; upon receiving it, He asked them whose face was it that appeared upon the coin; and they answered it was Caesar's. Jesus then said: 'Render unto Caesar what is Caesar's and unto God what is God's' (see Matthew 22:15-22; Mark 12:13-17; Luke 20:20-26)."

In a press statement dated June 23, 1938, concerning Bill No. 3307, President Quezon remarked that certain men "are blind to the lessons of history, including our own during the Spanish regime. Being a Catholic myself, I am less interested in preserving the independence of the Church from the State than I am in preserving the independence of the Government from the Church."

Some years ago, the Religious Liberty Association of the Philippine Commonwealth issued this statement:

"The late President Quezon was well acquainted with the stormy religious history of the Philippines, and was aware of the fact that the independence of the Government from interference by politically-minded ecclesiasticism has ever

been in greater danger here than has the independence of the church from interference by the civil authority. One needs only to turn to the history of Europe during the church-and-state regime of the Dark Ages to see that the mixing of religion and politics makes a dangerous brew. Those countries in which ecclesiasticism was most closely wed to the state have suffered the most catastrophic revolts against religion. Witness France, Germany, Russia, Italy, Spain, Mexico, etc. In the public school systems of these countries religious instruction was 'taught as part of the curriculum' for centuries, and yet what a harvest of ills has followed it! France had its Reign of Terror and Revolution, Germany its Nazism, Russia its Communism, Italy its Revolts and Fascism, Spain its Civil War, Mexico its Anti-clericalism, etc. Today, when we shudder before the forces of atheistic tyranny and cruelty assaulting the ramparts of civilization, let us not be fooled into fleeing for refuge into the arms of any of the politico-religious systems that once dominated the lands which gave birth to the monstrosities of Communism, Fascism, Nazism, etc.

"As long as the questionable provision contained in Article XIV, Section 5, of the Constitution remains in effect, it will be a dagger poised and pointing at the breast of liberty in the Philippines. Thanks to such clear-thinking champions of freedom as President Manuel L. Quezon, Vice-President Sergio Osmeña, Senator Camilo Osias, Secretary of Justice Jose P. Bengzon, and other public servants of similar courage and vision, the deadly weapon menacing the heart of Filipino liberty has been stayed off. But when men of other sentiments shall occupy the positions of public trust which those defenders of liberty have held, they may permit themselves to be the agents of

politico-religious craft for driving the sinister blade into the most precious of our four freedoms by way of the public school system.

"It is not enough, not by any means, to merely hope that the fearful evil will be eternally held at bay by fearless, farsighted men in public office, but the danger ought to be removed at once and forever by having it stricken entirely from the Constitution and all other laws of the land. Those nations in which religious freedom has been most devotedly cherished and zealously preserved by the separation of church and state are today the principal bulwarks of civilization in resisting the swelling tide of atheistic communism. The Philippines is one of those countries, a land where all, the Christian, the Jew, the Moslem, the Pagan, etc., enjoy equal religious liberty under the protection of the state. Let us keep our country always

on the side of true freedom and democracy. And in doing this, let us never forget that, 'Eternal vigilance is the price of liberty.'"

There are those who contend that optional religious instruction as provided for in the Constitution means that once parents request that their children be given religious instruction, it thereby becomes mandatory. They seem to forget that such an interpretation is a blow to freedom of religion, a freedom secured for every man, woman, and child in this land by our Constitution. Even a child is free to choose his or her religion. Even the Creator Himself respects this privilege of choice on the part of His created beings, man or woman, young or old.

## Democracy and the Church

By FRANCIS CHARLES WHITE, D.D.

IN THE REPORT given in the book of Acts of the appointment of elders in the churches founded by the apostles Barnabas and Paul, we read (Acts 14:23) that "they . . . ordained them elders in every church," a translation which certainly gives the impression that the apostles appointed these elders; a position which a true rendering of the words concerned makes impossible. The word translated "ordained" means "to signify by stretching out the hand." Now this could be interpreted as implying that the apostles or the others present designated whom they would desire to have as elders by stretching out or pointing with the hand; but the Greek word was used of the practice in the popular assembly (*ekklesia*) in Athens of deciding issues by a show of hands, as we do in an open vote in an assembly today. If we are to assume that the word in the New Testament is used in the sense in which it was in ancient Athens and its political *ekklesia*, then obviously the method of appointment of elders in the early church was by popular vote, rather than by apostolic appointment.

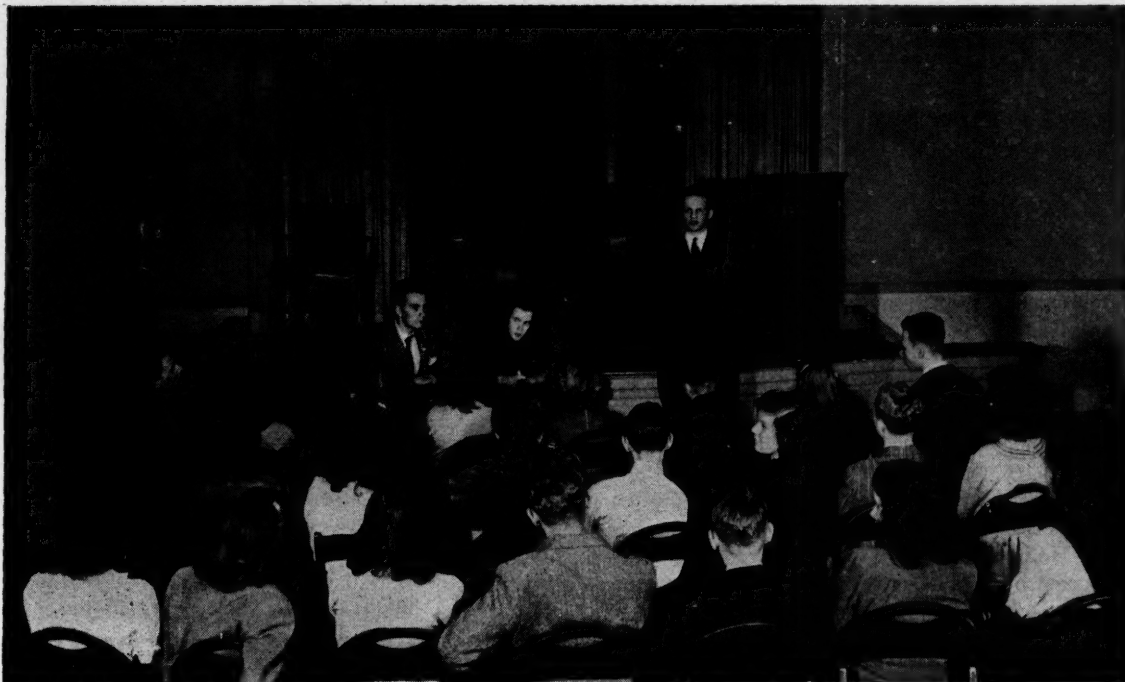
What does it mean when we read that "they . . . ordained them elders"? The primary significance of the Greek word *autos*, here rendered "them," is "self," and apparently the sentence would be more accurately and clearly translated if it were rendered "they elected for themselves elders in every church." It is quite true that in the English rendering, in the absence of any other pronoun, it looks as though all the way through it was the apostles who were do-

ing this, but bearing in mind the root meaning of the word translated "ordained," and also of the word "them," one cannot help coming to the conclusion that in this particular phrase the words "they" and "them" apply, not to the apostles, but to the churches in question.

This is supported by a familiar incident recorded much earlier in the Acts of the Apostles, namely the appointment of the "seven." Acts 6:3-6 abbreviated reads, "Wherefore, brethren, look ye out among you seven men. . . . And they chose Stephen . . . , and Philip, and Prochorus, . . . whom they set before the apostles." Here clearly the rank and file of the church selected the men of their preference for the service indicated and presented them to the apostles for the laying on of hands. This was certainly popular election.

A point that arises here is whether the early church went by majorities. We bow to the view of our brethren the Friends, and others, like Rev. Daniel Jenkins, who deprecate a decision in a business meeting of the church being made by a majority only. But it does look as though this may have been the case in the early church. If we turn to 2 Corinthians 2:6, we read, "Sufficient to such a man is this punishment, which was inflicted of many." Here again, unfortunately, is an inaccurate translation. The word rendered "of many" should be translated "of the more." There is an article, and the word itself is in the comparative degree and clearly cannot mean anything other than a "majority" of





EWING GALLOWAY

When unanimity is impossible, there seems to be good ground for the practice of the early church in recognizing the moral right of a majority to determine the course of action.

the members. Here the apostle Paul refers to some sort of discipline meted out to a member of the Corinthian church by a majority vote.

These considerations do not for a moment invalidate the claim that in an ideal church meeting everything is carried with unanimity, but apparently there never have been ideal church meetings, any more than ideal churches. There is much to be said for deferring a matter of church business in the hope that after prayer and due consideration the church may arrive at a unanimous opinion or conclusion regarding a certain matter. But there are times when this seems almost impossible of achievement, and if that is the case, there seems to be good ground for the practice of the early church in recognizing the moral right of a majority to determine the course of action.

We headed these notes "Democracy and the Church." Democracy is inevitably a matter of majorities, but in recent years more than ever we have been emphasizing the right of minorities, and if there is anything clear in the New Testament, whether in the fifteenth chapter of Acts or anywhere else, it is that New Testament Christians went as far as possible to meet the scruples and opinion of minorities. When a church arrives at a decision by a majority, after earnest prayer and serious consideration, there is every reason to believe that ultimately the minority will come to see that the decision of the majority was right.

**FIRST QUARTER**

If there is anything about which we are sure, it is this also: that minorities are often in the right. But when this is the case, given again earnest prayer and serious consideration and a waiting upon the guidance of the Spirit of God, there is a tendency for what originally was the opinion of a minority to become that of the majority, and often in the end a unanimous conclusion on the part of the entire church.

But to return to our theme of the right of a church to decide a question by a majority vote: churches may be divided into those accepting an autocracy and those enjoying a democracy. The authority of the former is imposed upon the church; the authority of the latter springs from the broadly based membership of the church.

Added to this is the fact that a church can never be a true democracy if secular authority has a say in the matter of its creed, its liturgy, its ministry, or its finance.

In this matter but few nations can be accurately described as having in their national life churches that are truly democratic.

In this respect the United States of America is almost unique in its clear-cut separation of church and state, not only in spirit, but in legislature. There is no antagonism between church and state where the church is free; antagonism results where either church or state usurps the functions of the other.

# American Pluralism

By JOHN COURTNEY MURRAY, S.J.

[Concluding a reprint of the article that appeared in *Thought*, summer of 1954.]

## The American Experience

ONE FINAL GROUND for affirming the validity of the religion clauses of the First Amendment as good law must be briefly touched on. Holmes's famous dictum, "The life of the law is not logic but experience," has more truth in it than many other Holmesian dicta. When a law ceases to be supported by a continued experience of its goodness, it becomes a dead letter, an empty legal form. Although pure pragmatism cannot be made the philosophy of law, nonetheless the value of any given law is importantly pragmatic. The First Amendment surely passes this test of good law. In support of it one can adduce an American experience. One might well call it *the American experience* in the sense that it has been central in American history and also unique in the history of the world.

This experience has three facets, all interrelated. First, America has proved by experience that political unity and stability are possible without uniformity of religious belief and practice, without the necessity of any governmental restrictions on any religion. Before the days of the Federal Republic some men had tried to believe that this could be so; thus for instance the *politiques* in France, in their attack upon the classic Gallican and absolutist thesis, "One law, one faith, one king." But this thesis, and its equivalents, had not been finally disproved. This event was accomplished in the United States; and the refutation has been furnished by a manner of argument which is itself irrefutable—an argument from experience. For a century and a half the United States has displayed to the world the fact that political unity and stability are not inherently dependent on the common sharing of one religious faith. If therefore such a dependence elsewhere exists, it must be explained not in terms of inherent necessity but in terms of particular circumstances. Such circumstances may exist, for instance, in Spain; and undoubtedly the Spaniard must be allowed to argue from his own experience. But it should be made plain that he is arguing from the experience of his own history, and not from the inherent nature of things—the nature of political unity in its relation to religious unity.

The second American experience was that stable political unity, which means perduring agreement on the common good of man at the level of performance, is positively strengthened by the exclusion of religious differences from the area of concern allotted to government. In America we have been rescued from the disaster of ideological parties. They are a disaster because, where such parties exist, power becomes a special kind of prize: the struggle for power is a partisan struggle for the means whereby the opposing ideology may be destroyed. It has been remarked that only in a disintegrating society does politics become a controversy over ends; it should be simply a controversy over means to ends already agreed on with sufficient unanimity. The Latin countries of Europe have displayed this spectacle of ideological politics, a struggle between a host of "isms," all of which pretend to a final view of man and society, with the twin results of governmental paralysis and seemingly irremediable social division. In contrast, the American experience of political unity has been almost Utopian. (Even the Civil War does not refute this view; it was not an ideological conflict but simply, in the more descriptive Southern phrase, a war between the states, a conflict of interests.) To this experience of political unity the First Amendment has made a unique contribution; and in doing so it has qualified as good law.

The third and most striking aspect of the American experience consists in the fact that religion itself, and not least the Catholic Church, has benefited by our free institutions, by the maintenance, even in exaggerated form, of the distinction between Church and state. Within the same span of history the experience of the Church elsewhere, especially in the Latin lands, has been alternatively an experience of privilege or persecution. The reason lay in a particular concept of government. It was alternatively the determination of government to ally itself either with the purposes of the Church or with the purposes of some sect or other (sectarian liberalism, for instance) which made a similar, however erroneous, claim to possess the full and final truth. The dominant conviction, whose origins are really in pagan antiquity, was that government should represent transcendent truth and by its legal power make this truth prevail. However, in the absence



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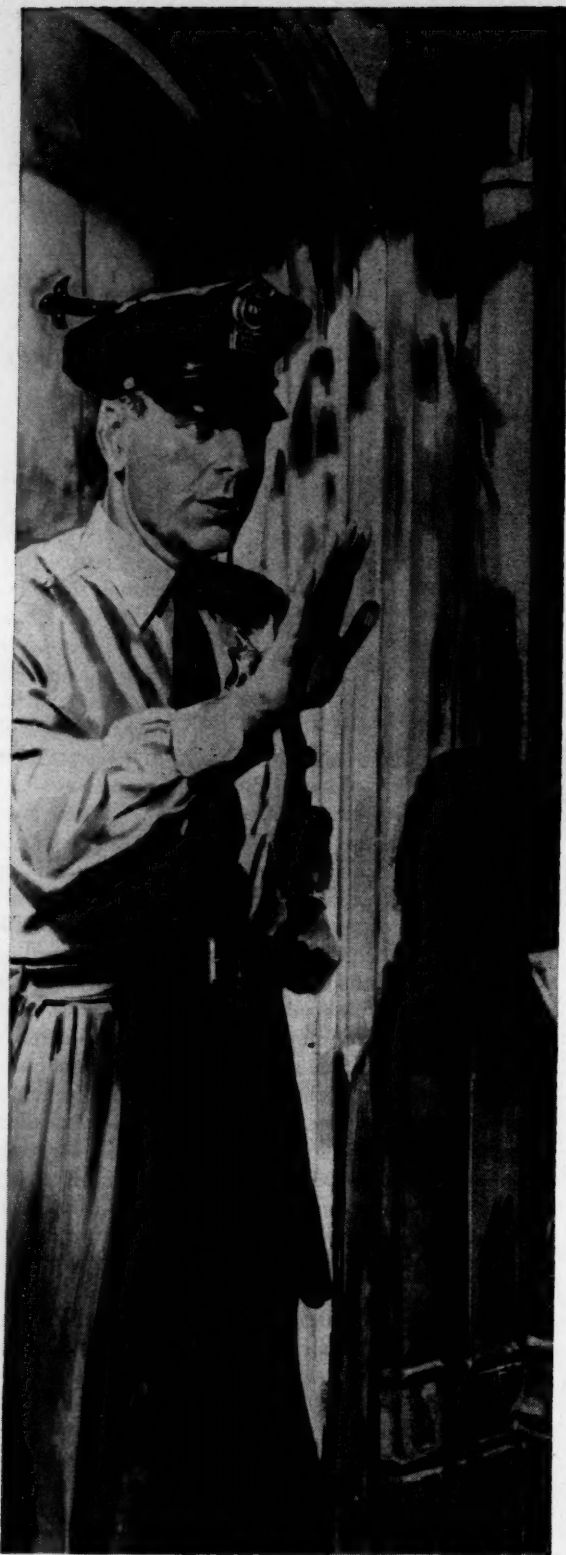
of social agreement as to what the truth really was, the result was to involve the Catholic truth in the vicissitudes of power. It would be difficult to say which experience, privilege or persecution, proved in the end to be the more damaging or gainful to the Church..

In contrast, American government has not undertaken to represent transcendental truth in any of the versions of it current in American society. It does indeed represent the commonly shared moral values of the community. It also represents the supreme religious truth expressed in the motto on American coins: "In God we trust"; the motto expresses the two truths without which, as the letter to the Hebrews says, "nobody reaches God's presence," namely, "to believe that God exists and that he rewards those who try to find him" (Hebrews 11:6). For the rest, government represents the truth of society as it actually is; and the truth is that American society is religiously pluralist. The truth is lamentable; it is nonetheless true. Many of the beliefs entertained within society ought not to be believed, because they are false; nonetheless men believe them. It is not the function of government to re-

solve the dispute between conflicting truths, all of which claim the final validity of transcendence. As representative of a pluralist society, wherein religious faith is—as it must be—free, government undertakes to represent the principle of freedom. . . .

In taking this course American government would seem to be on the course set by Pius XII for the religiously pluralist international community, of which America offers, as it were, a pattern in miniature. In the discourse already cited he distinguishes two questions: "The first concerns the objective truth and the obligation of conscience toward that which is objectively true and good." This question, he goes on, "can hardly be made the object of discussion and ruling among the individual states and their communities, especially in the case of a plurality of religious confessions within the same community." In other words, government is not a judge of religious truth; parliaments are not to play the theologian. In accord with this principle American government does not presume to discuss, much less rule upon, the objective truth or falsity of the various religious confessions within society. It puts to itself only Pius XII's second question, which concerns "the





COURTESY OF REPUBLIC STEEL CORP.

PAUL GAERDING, ARTIST

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practical attitude" of government in the face of religious pluralism. It answers this question by asserting that in the given circumstances it has neither the mandate nor the duty nor the right to legislate either in favor of or against any of the religious confessions existent in American society, which in its totality government must represent. It will therefore only represent their freedom, in the face of civil law, to exist, since they do in fact exist. This is precisely the practical attitude which Pius XII recognizes as right, as the proper moral and political course.

In consequence of this American concept of the representative function of government the experience of the Church in America, like the general American experience itself, has proved to be almost Utopian, when one scans it from the viewpoint of the value upon which the Church sets primary importance, namely, her freedom in the fulfillment of her spiritual mission to communicate divine truth and grace to the souls of men, and her equally spiritual mission of social justice and peace. The Church has not enjoyed a privileged status in public life; at the same time she has not had to pay the price of this privilege. A whole book could be written on the price of such legal privilege. Another book could be written on the value of freedom without privilege. In fact, both books have been written, on the metaphorical pages of history. And looking over his own continually unrolling historical manuscript, the American Catholic is inclined to conclude that his is a valid book. It does not develop a doctrinaire thesis, but it does prove a point. The point is that the goodness of the First Amendment as constitutional law is manifested not only by political but also by religious experience. By and large (for no historical record is without blots) it has been good for religion, for Catholicism, to have had simply the right of freedom. This right is at the same time the highest of privileges; and it too has its price. But the price has not been envy and enmity, the coinage in which the Church paid for privilege. It has only been the price of sacrifice, labor, added responsibilities; and these things are redemptive.

### Conclusion

In the final analysis any validation of the First Amendment as good law—no matter by whom undertaken, be he Protestant, Catholic, Jew, or secularist—must make appeal to the three arguments developed above: the demands of social necessity, the righteousness within our own circumstances of the American manner of asserting the distinction between church and state, and the lessons of experience. Perhaps the last argument is the most powerful. It is also, I may add, the argument which best harmonizes with the general tone which arguments for our institutions are accustomed to adopt. In a

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curiously controlling way this tone was set by the *Federalist* papers. These essays were not political treatises after the manner of Hobbes and Hegel, Rousseau and Comte, or even John Locke. It has been remarked that in America no treatises of this kind have been produced; and it is probably just as well. The authors of the *Federalist* papers were not engaged in broaching a political theory universal in scope and application, a plan for an Ideal Republic of Truth and Virtue. They were arguing for a particular constitution, a special kind of governmental structure, a limited ensemble of concrete laws, all designed for application within a given society. They were in the tradition of the Revolutionary thinkers who led a colonial rebellion, not in the name of a set of flamboyant abstractions, but in the name of the sober laws of the British Constitution which they felt were being violated in their regard. It has been pointed out that the only real slogan the Revolution produced was "No taxation without representation." It has not the ring of a trumpet; its sound is more like the dry rustle of a lawyer's sheaf of parchment.

It is in the tone of this tradition of American political writing that one should argue for the First Amendment. The arguments will tend to be convincing in proportion as their key of utterance approaches a dry rustle and not a wild ring. The arguments here presented are surely dry enough. Perhaps they will not satisfy the doctrinaire, the theologizer. But they do, I think, show that the first of our prejudices is "not a prejudice destitute of reason, but involving in it profound and extensive wisdom." This is all that need be shown; it is likewise all that can be shown.

The Catholic Church in America is committed to this prejudice by the totality of her experience in American history. As far as I know, the only ones who doubt the firmness, the depth, the principal nature of this commitment are not Catholics. They speak without knowledge and without authority; and the credence they command has its origins in emotion. If perhaps what troubles them is the fact that the commitment is limited, in the sense that it is not to the truth and sanctity of a dogma but only to the rationality and goodness of a law, they might recall the story of Pompey. After the capture of Jerusalem in 63 B.C. he went to the Temple and forced his way into the Holy of Holies. To his intense astonishment he found it empty. He should not have been astonished; for the emptiness was the symbol of the absence of idolatry. It symbolized the essential truth of Judaism, that One is the Lord. Professor Boorstin, who recounts the tale, adds: "Perhaps the same surprise awaits the student of American culture or, I add, the American Constitution if he finally manages to penetrate the arcanum of our belief. And for a similar reason. Far from being disappointed, we should be inspired that in an era of idolatry, when

so many nations have filled their sanctuaries with ideological idols, we have had the courage to refuse to do so."

The American Catholic is on good ground when he refuses to make an ideological idol out of religious freedom and separation of church and state, when he refuses to "believe" in them as articles of faith. He takes the highest ground available in this matter of the relations between religion and government when he asserts that his commitment to the religion clauses of the Constitution is a moral commitment to them as articles of peace in a pluralist society.



## The Principles of the Association

**F**ROM TIME TO TIME, changes of wording have been made in the statement of the principles of liberty upon which the International Religious Liberty Association bases its operations in behalf of religious freedom, and which appear from quarter to quarter in *LIBERTY: A Magazine of Religious Freedom*, the organ of the Association.

For instance, some time ago a change was made to include the proposition that men have the right, and must be allowed to exercise it, to change their opinions in religion. This important step in men's spiritual and intellectual progress in freedom is made difficult in some lands, both Christian and non-Christian.

Now, with this issue, a shortening of the Declaration of Principles has been effected by combining in one paragraph some very important rights previously set forth in two distinct paragraphs, but with no change of principles or emphasis.

A further change of statement has been made because the association is increasingly active in lands outside the United States of America. Some excellent work is being done by Association leaders abroad. But it has been called to our attention by representatives in non-Christian lands that the statement of principles as previously set forth has had a distinctly Christian flavoring, with the quite unintentional effect of limiting for non-Christians who wish to be free the fullest use of the facilities of the Association. In other words, the previous wording has seemed to restrict the Association to advocating freedom within a particular form of religion, instead of espousing the cause of liberty for all men, regardless of religious opinion, which the Association has, as a matter of fact, always wished to do.

The officers of the International Religious Liberty Association are avowed Christians, and believe in God; in Christ, His divine Son; and in the Bible as the Word of God. The change of wording of the principles seen in this issue indicates no departure from the faith of the officers in, and their convictions concerning, Christianity. But they desire, and work for, liberty for all men, regardless of what kind of religious opinions they hold or lack.

The principles of the International Religious Liberty Association as now set forth call for the same rights as always. The Association is, and will continue to be, resolute in fostering the cause of religious liberty for all men everywhere.

ALVIN W. JOHNSON, *Secretary*  
*International Religious Liberty Association*

## Catholic Schools and Separation

[*Dr. Thompson, educator and enthusiastic advocate of religious liberty through separation of church and state, has recently joined the editorial staff of LIBERTY, and has the following editorial in this issue.—F. H. Y.*]

**I**N AN EDITORIAL published in the *Catholic Standard and Times*, Philadelphia, Pennsylvania, July 29, 1955, Roman Catholic Archbishop John F. O'Hara of Philadelphia, in discussing parochial schools, wrote:

"Federal interference? It is inevitable if the Federal Government finances the schools. A minority opinion published in October 1931, with the report of President Hoover's National Advisory Committee on Education, stated correctly: 'It is not easy to conceive the practical possibility of any Federal grants ever being made for education in general without some specific legal supervision of the manner in which the moneys shall be used. The function of supervising the use of Federal grants for education would naturally devolve on the Department of Education, thus making it a potent instrument for Federal control.'"

The best protection for any group against Federal inspection and control of its schools is rejection of Federal aid. If they do not want the former, they should not seek the latter. It follows naturally that he who supplies the money should insist on whatever inspection and control is necessary to determine that the appropriation is properly spent. One would assume that the Catholic Church had thought of this possibility and was prepared to accept it, in view of its long-time insistence upon *additional* state aid.

We are conscious of the fact that the demand from the American Catholic hierarchy for a larger share of public funds is not endorsed by all Catholics, many of whom are as jealous for the maintenance of separation of church and state under present conditions in the United States as are Jews and Prot-



estants. Representative Jacobs, a Catholic Congressman from Indiana, placed himself on record in forthright terms:

"As long as we have the same right to send our children to public schools as anyone else, we are not discriminated against. Our parochial schools are an adjunct of our religion. The issue is clear—either you keep parochial schools and maintain them or accept public funds and convert the schools into public schools. As Catholics, we do not have the right to a separate publicly supported school system nor does any other group of people have such a right."

It was none other than Cardinal Gibbons of Baltimore who rejoiced in the American theory of separation between church and state. Said he:

"The separation of church and state in this country seems to Catholics the natural, the inevitable, and best conceivable plan. . . . American Catholics rejoice in our separation of church and state; and I can conceive no combination of circumstances likely to arise which should make a union desirable either to church or to state."

Thus Archbishop O'Hara is in excellent Catholic company when he warns that an insistence upon public funds for parochial schools is also a request for Federal interference and control. We commend the Archbishop for his insight and judgment.

J. C. T.

## A Muted Instrument

**T**OWARD THE CLOSE of the first session of the eighty-fourth Congress, the Senate Committee on the Judiciary, under the chairmanship of Senator Harley M. Kilgore, appointed a subcommittee on the Bill of Rights. This committee is to make a thorough survey, through public hearings and the study of materials made available to it, of the first ten amendments of the Federal Constitution, popularly known as the Bill of Rights. In addition it will examine the personal freedom Amendments—the Thirteenth, Fourteenth, and Fifteenth—adopted following the War between the States, with special reference to the Fourteenth.

Senator Hennings, of Missouri, was made chairman of the subcommittee, with Senators Langer, of North Dakota, and O'Mahoney, of Wyoming, as the other members. Mr. Lon Hocker, former president of the St. Louis Bar Association, was engaged as counsel.

Questionnaires were prepared on each of the major points in the Bill of Rights and mailed to citizens who were particularly qualified to supply answers usable by the subcommittee. Picked individuals were also designated to report various points of view orally before the subcommittee.

The first meeting was in the nature of a memorial service held on September 17, I Am an American Day. It was planned to begin the hearings proper on Monday, October 3, opening with a discussion of the religion clause of the First Amendment.

FIRST QUARTER

In the meantime things were happening. Editorials appeared in such periodicals as the liberal *Christian Century*, the Jesuit *America*, and the conservative *Washington Star*, querying the purposes and motives of the survey. They also inquired as to the wisdom of the hearings, since emphasis upon, if not exaggeration of, differences in religious points of view must certainly result. There was much discussion of the subcommittee behind the scenes, which did not become public.

All the challenging talk eventuated in the subcommittee's canceling public discussion of the religion clause of the First Amendment. It did open hearings on freedom of speech and of the press on November 14.

Why the cancellation? What happened? Who became alarmed? Obviously, advocates of the separation of church and state consistent to that important principle, and those who hold to a conviction that public tax funds should not be used for the benefit of churches or church-related institutions, would have nothing to fear from the subcommittee's inquiry. Obviously, too, those who believe that determined steps must be taken to stop any transgressions upon the principle of separation, or to render innocuous any tendencies toward such transgressions, would have nothing to fear.

Alarm at public inquiry could have been felt only by those who know themselves to be transgressors, or by those who desire an uneasy semblance of peace in preference to facing issues on behalf of genuine separation of church and state.

Report of the subcommittee on the religion clause, based on written materials presented, and answers to the first questionnaire sent out, will be awaited with more than mild interest. F. H. Y.

## Maryland Sunday Laws

**T**HERE HAS BEEN a flare-up of Sunday-law enforcement in the Free State of Maryland. The pressure for enforcement has, however, not been primarily religious, but because of business competition.

In three of the counties of Maryland adjoining Baltimore and Washington, D.C., automobile dealers have been arrested for "dealing" in automobiles on Sunday. At least two of the warrants have been sworn out by agents of the car salesmen's union. In Baltimore County, the courts decided that merely showing a car with the prospect of a future sale was "dealing," in terms of the law.

The Maryland Sunday law is one of the harshest in the country, and even those responsible for the enforcement of the law are quoted as declaring that it is "archaic," "impractical," and "unrealistic." In fact, this description of the law is coming to be gen-

erally accepted. This was indicated when the case of an automobile dealer arrested in Prince Georges County came before the grand jury. "The jury noted," according to press reports, "that strict compliance with 'Blue Laws' would prohibit the operation of 'reputable and needed business firms.' The pattern of living 'has changed immeasurably' since enactment of the Blue Laws, the jury said. 'In this respect, a luxury of yesteryear is considered a necessity today,' it added. 'Certainly it is not the desire of this grand jury to see merchants who are rendering a required service placed in jeopardy as law violators.' The jury advised State's Attorney Blair H. Smith to study carefully each case brought under the Blue Laws."

It is being realized increasingly that Sunday laws are indeed archaic and unreasonable. It should also be recognized that as religious laws they are also unconstitutional. Laws governing preservation of the peace and forbidding disorderly conduct furnish ample protection for those who wish to use Sunday for either leisure or worship. Sunday laws as such should disappear from the American legal scheme.

F. H. Y.

## Sunday Law Discrimination

**I**N MICHIGAN the Circuit Court for the County of Genesee has ruled that a city ordinance, adopted by the city of Flint, closing furniture and appliance stores on Sunday, is void because of arbitrary and discriminatory classification.

The ordinance in question prohibited the sale of furniture and certain household appliances on Sunday, with certain exceptions. The plaintiff in the case introduced evidence that gas stations, certain grocery and hardware stores, drugstores, trailer sales, certain clothing stores, bowling alleys, radio and television stations, a newspaper, real estate offices, beer taverns, manufacturing establishments, including General Motors plants, garages, restaurants, a tropical fish store, florists, and other businesses operate on Sunday in the city of Flint.

As is true in all Sunday-closing ordinances, the court found it difficult to apply a Sunday-closing ordinance to one type of business, and at the same time permit the operation of many other types of businesses. The plaintiff in this case complained that limiting the Sunday closing to the sale of furniture and household appliances is unreasonable, arbitrary, and discriminatory; and therefore is void as class legislation.

The Michigan Constitution contains the following provisions to which the furniture dealer took recourse:

Article II, Sec. 1. "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection."

Article II, Sec. 16. "No person shall . . . be deprived of life, liberty or property without due process of law."

Article V, Sec. 30. "The Legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. . . ."

Plaintiff also relied on the Privilege and Immunities clause, the Due Process clause, and the Equal Protection clause of the Fourteenth Amendment to the Constitution of the United States.

The court reviewed at considerable length the position taken by the various courts, including that of Michigan's Supreme Court, and other legislation related to or having a bearing upon the ordinance in question. Council for the city of Flint maintained that while classification must seem rationally related to the purpose of the legislation, it is sufficient if those within the class prohibited are treated equally. The court, however, pointed out that Article V, Sec. 30, of the Michigan Constitution quoted above is an expressed grant of power to the courts to pass on the applicability of the general statute, and that even without such an expressed grant of power the courts have been generally held to have power to pass on the reasonableness of legislative classification.

While admitting that it is highly desirable that people have a day of rest, a day that may be used for avocation rather than a regular vocation, or that may be used for quiet thought and worship as one may choose, "It is hard to believe," said the court, "that the need for rest, avocation and worship is any more apparent in employees or customers of furniture and appliance stores than it is in many other vocations." The court rather appropriately asked, "Do the employees of the huge factories of Flint, or of hardware stores, or beer gardens, to pick out only a few of the businesses open on Sunday, need any less a day of rest than do furniture store employees?" The court continued its queries by asking: "Are the customers of other stores and beer gardens of a healthier stock or less in need of the benefits of a day of rest? Is police surveillance a problem which has confronted the City Commission because furniture stores were open on Sunday but no similar problem has been presented because of open beer gardens?" It is obvious that these questions provide their own answers.

The court indicated that it would be most difficult to determine or even imagine why a City Commission bent on establishing for the city of Flint the benefits of a day of rest should single out furniture stores for special penal ordinance. Declaring that if the City Commission's purpose is to limit employees in that city to six days of work a week, there are much more direct and simple methods for accomplishing that purpose than to single out furniture stores for Sunday closing.

This is another example of the strange anomalies that invariably exist in laws dealing with Sunday ob-

servance. Where there is a desire to provide for a day of rest under the police power of the state without injecting the religious element into it and at the same time eliminate the inconsistencies that arise in connection with Sunday legislation, many people are advocating a one-day-of-rest-in-seven law. Several States have adopted such a law. This type of legislation aims to protect employees from seven days of work a week. It eliminates the religious element, and avoids arbitrary and discriminatory classification as in the above instance.

A. W. J.

### "Sabbatical Snivelers"

THOSE WHO CRITICIZED the queen's husband for playing polo on Sunday were accused by Rev. C. Gaul, of Rand, in Lincolnshire, of "slinging mud at the royal family" and of being "sabbatical snivelers." The Duke of Edinburgh, according to Reuters of London, was criticized by the *Monthly Record*, a magazine of the Free Church of Scotland. On a recent Sunday, Philip had played polo and

"had been watched by the Queen, the Queen Mother, and the Duchess of Kent."

The Anglican clergyman expressed his indignation by saying, "It is strange how, in the name of religion, mercy, pity, peace and love can be chased through the window, and hatred of innocent pastimes admitted through the door." In things religious, human beings are inclined to accept themselves or their concepts as a standard by which to measure others. This practice is far removed from the principles of true religion for "where the Spirit of the Lord is, there is liberty" (2 Cor. 3:17).

The clergyman said further that "these Sunday shun-alls should study the scriptures they are so fond of quoting" and they would not find "one single shred of support for their attempts to cloud the sun on the first day of the week." In this statement the pastor is correct in that there is no scriptural basis for criticism of others and their manner of observing a day of worship or in the practice of any other religious ritual. He may well have said that neither is there a basis for a civil law regulating God's appointed day of worship.

A. H. R.

## BOOKS

**The Crime of Galileo, by Giorgio De Santillano**  
Chicago: The University of Chicago Press. 338 pages.

A huge amount of writing has been devoted to the famous controversy about Galileo. Unfortunately, much of it is unavailable in English and a great deal is apologetic in nature rather than historical. This book therefore meets an urgent need. It presents a comprehensive, unprejudiced factual report of exactly what happened, and a critical analysis of underlying issues and causes. It answers many questions hitherto unanswered.

The account is fascinating, full of surprises, especially for the reader with the usual preconceptions about this thorny subject. Thus, "Galileo did not come to grief as 'the scientist' facing a religious credo." This was not a case "of the scientist as a bold 'free-thinker' and 'progressive' facing the static resistances of conservatism. . . . The scientist appears more often than not as the conservative overtaken by fast-moving social forces." "A major part of the Church intellectuals were on the side of Galileo, while the clearest opposition to him came from secular ideas." "The tragedy was the result of a plot of which the hierarchies themselves turned out to be the victims no less than Galileo."

It is a story of greatness and meanness, heroism

and cowardice; of tender human affection and loyalty, as well as burning hatred; of truth and honor, as well as deliberate fraud and foul deception. In the background appears a remarkably clear-cut picture of Rome, with the brilliant high lights, as well as deep, dark shadows of those days; of the Inquisition, with its meticulous regard for law, its genuine, benign concern for the welfare of the individual son of the Church, and yet its tragic ability to descend to great depths of injustice; the Jesuits, with tremendous ability, influence, and power, in this case so terribly misused; the universities, stodgy and tradition-bound, dominated mainly by unimaginative professors incapable of understanding the grand, new ideas then dawning upon the world.

The author suggests that Galileo and his contemporaries, both friends and foes, were caught in the interaction of forces reminiscent of Prof. Herbert Butterfield's famous remark about "some deviltry that lies in the very process of things, . . . demonic forces . . ." to which men fall victim as if possessed—"even if it is by some fault of their own nature." He warns us that such forces are very much in evidence today, and constitute an ominous threat to freedom and justice. *It could happen again—now.*

HAROLD K. SCHILLING  
University Park, Pennsylvania.



*[For those items of news bearing upon questions of religious liberty or relations between church and state, LIBERTY is indebted to Religious News Service specifically, and to normal news channels and our correspondents generally. Comment is in the editorial columns.—Ed.]*

## UNITED STATES

### Airline Discounts to Clergymen

In the last session of Congress, a House committee declined to act on a proposed bill allowing air lines to offer reduced fares to clergymen. The suggestion was made that if such a measure was passed, all possible violation of church-state separation must be eliminated. Some of the air lines receive Government subsidy, and for them to allow reduced rates might involve a church-state precedent.

### Bible Reading

A parent in Nashville, Tennessee, has instituted a suit challenging the constitutionality of a State law requiring Bible reading in the public schools. The court has also been asked to enjoin the Nashville School Board from permitting devotional services in the public-school room and from making inquiries about and keeping records of pupil attendance at Sunday school. The parent maintains that sincere prayer and worship are private and personal affairs. To teach a child that these sacred rights are perfunctory gestures to be performed at a signal from a public officer is to teach a sham.

At a meeting of the North Carolina Association of Jewish Rabbis held in Little Switzerland, North Carolina, a protest was made against prayers and Bible readings in the public schools of the State. They said that such practices are "necessarily sectarian." The resolution read in part: "We reaffirm our deep conviction that the proper places for religious instruction and worship are the synagogue, the church and the home and that our public schools should neither replace nor supplement these."

### Church Construction

A second suit has been initiated by the Roman Catholic Diocese of Rochester, New York, against the suburban Brighton Township for permission to build a church and a parochial school in a residential section of the city.

The Community Synagogue, a reform congregation of Sands Point, New York, has been refused, by the Village Board of Zoning Appeals, the right

to use as a house of worship and religious school, a building it owns. New York Governor Averell Harriman, who has a home in the town, termed the decision as "shocking" and "arbitrary." The congregation had originally taken an option on the property. It then made request to the Village Board for the privilege of making purchase. After the 1932 zoning law was amended, permission was granted. Now that the building is ready for use and has become the property of the church, permission has been refused by the Village Board of Zoning Appeals.

The Court of Civil Appeals in Dallas, Texas, has upheld the right of a Jewish congregation to build a synagogue and school in an exclusive residential area of the city. The court maintained that there were no deed restrictions that would prevent the congregation from maturing its plans on the twelve-acre site.

### Conscientious Objector

An appeal has been made to the United States Supreme Court by Vern George Davidson of Los Angeles, asking for the privilege of being a conscientious objector without believing in "a Supreme Being" as defined in the Selective Service Act. According to Religious News Service, Mr. Davidson describes himself as an agnostic, and claims to be against war by virtue of religious training. His contention is "that the draft law contravenes the First Amendment . . . by establishing a specific religion as the only one that will be recognized in establishing the validity of claims to conscientious objection."

### Days of Worship

The reasonable needs of employees in the observance of religious holidays must be recognized and provided for by business firms, according to the ruling of the New York State Commission Against Discrimination. Commissioner Elmer A. Carter made the decision after a claim was filed by the American Jewish Congress against a brokerage house in New York City. The decision is important because it gives renewed emphasis to the State agency's general policy on the question of religious observance.

### Financial Aid to Parochial Schools

A bill before the New Hampshire House was defeated, which would have provided a ten-million-dollar State fund from which private and parochial schools and colleges could borrow money for construction projects at reduced rates. The opponents of the bill were successful in their argument that it

would be "unfair for private schools to save money at the expense of the state."

### In God We Trust

The motto "In God We Trust" will soon be placed on public buildings in Knoxville, Tennessee, according to Mayor George Dempster. The suggestion was originally made by the local chapter of the Daughters of the American Revolution. The mayor has suggested that signs with this motto also be placed on public-school buildings.

### AUSTRIA

Some 9,000 Mormons in Vienna have been forced to go underground. This is the report of Spencer W. Kimball, an apostle of the Mormon Church in Salt Lake City. "Our fellow believers are not permitted by the Communists to contact the Mother Church at Salt Lake City and are forced to meet in hidden places," he said.

### BRAZIL

According to the Religious News Service, the showing of the film *Martin Luther* has been banned in theaters of Brazil by the country's Chief Censor of Public Entertainments. The ban was imposed under a legal provision authorizing the censor to refuse a license for the exhibition of any picture he deems "offensive to the community or to religion." In this decision, Brazil joins ranks with the Philippines, Peru, Egypt, and Canada's Quebec Province.

### GERMANY

The Evangelical Church reports that 32 Protestant pastors and church workers are still in East German prison camps. It was during the peak of the antichurch campaign in East Germany that most of these workers were imprisoned.

The agreement drawn up between the East German state and church officials two years ago has been kept, according to *Christian Century*, July 20, 1955. The state has discontinued its attack upon the *Junge Gemeinde*. Previously the state had abused the Free German Youth on the grounds that it was political and was maintaining contacts with Western youth organizations. While open-air services are subject to strict control, and no services can be held in sectarian places, meetings have been permitted in church buildings.

Communist officials who previously had approved the rebuilding of the famous Magdeburg Cathedral, suddenly canceled permission for ceremonies scheduled to commemorate the laying of the original cor-

nerstone 1,000 years ago. The original cathedral was begun in 955 by King Otto of Saxony. It is one of the renowned cathedrals of Europe. No explanation was given in withdrawing the authorization.

State subsidies have been withdrawn from church-operated homes for young people in East Germany. According to Religious News Service, this measure is "the latest in a series by the Soviet Zone Communist regime, aimed at separating young people from religious and parental influence." Other measures adopted in recent months with similar objectives are: atheistic youth dedication ceremonies, which are a Communist counterpart of Christian confirmation rites; the annulment of guardianship and adoption contracts where the foster parents are unsympathetic to Communism; and the enrollment in Soviet Zone high schools of young people from outspoken Christian homes only if they agree to live during the schooling period in state-operated youth centers, which are atheistic in their orientation.

The concordat made between Germany and the Vatican in 1933 is to be tested before the Federal Constitutional Court in Karlsruhe. Action against the government of Lower Saxony is being brought by the Federal government because the former abolished state-subsidized denominational schools, which are provided for in the treaty. Protest is being made by the Roman Catholic Church because of the Bavarian Bill, which, if passed, would abolish all church-run and state-operated denominational teacher-training academies. The 1924 Bavarian-Vatican concordat guarantees the separate training of teachers according to their faiths.

### ITALY

In Florence, Italy, police officers have stopped religious meetings conducted by an Italian-born member of the Church of Christ. Article XVII of the national police laws was cited by the official as the authority for prohibiting an unauthorized gathering. This law was passed in 1929 and 1930 when Italy was under a Fascist regime, and is superseded by the Constitution of 1947, which guarantees religious freedom, contends the Church of Christ. On a previous occasion the same minister was arrested on a similar charge in Alessandria in northern Italy in 1952, but was released without trial.

### HOLLAND

The Catholic People's Party of Holland has proposed that as an introduction to the Dutch Constitution the following sentence should appear:

"The form of the state of the kingdom is founded upon the recognition of God as Creator and Origin of right."

Assurance has been given to the Greek Orthodox Church that the Turkish Government at an early date will restore the property destroyed or damaged in the recent anti-Greek riots that occurred in Istanbul.

### U. S. S. R.

After a three-week visit to Moscow, Patriarch Christopher II, head of the Greek Orthodox Church in Egypt, reports that the Russian church and Soviet Government officials have promised financial aid to his church. Lands formerly belonging to the Greek Orthodox Church of Odessa have been ceded to the Alexandria Patriarchate. In addition, assurance has been given that its estates in Russia, seized during the 1917 revolution, will be compensated for. The Patriarch, speaking favorably of conditions in Russia, said: "Members of the Soviet government may have their own ideas about religion, but the State officially guarantees freedom of worship and protects all religions. Millions of Russians freely attend church and their clergymen walk about in their traditional robes and are given the respect due their position."

### GREECE

On a charge of proselytizing and holding an unlicensed religious meeting, 48 Jehovah's Witnesses were recently ordered to appear for trial in an Athens court. Most of the people were women and were alleged to have been holding a meeting in a private home in the city's Pangrati section.

Throughout Greece, police officials have been asked by the Ministry of the Interior to strictly enforce a government decree which prohibits the circulation of non-Orthodox religious publications that do not clearly indicate the name of the sponsoring denomination. Appeal was made by the Jehovah's Witnesses to the Greek Supreme Court, asking that this ban be held unconstitutional, but the court decreed its validity on the basis that the constitution provides only for "safeguarding of the Greek Orthodox faith."

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R. J. CHRISTIAN  
Circulation Manager



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## A Great JURIST



HORYDCZAK PHOTO

**T**HE YEAR 1955 was a John Marshall year, the 200th anniversary of the birth of a versatile American citizen—soldier, statesman, jurist. Marshall was a product of the Virginia frontier, born of intelligent parents, the eldest of a large family, thoroughly read in but a few books. He was twenty when Lexington and Concord let the first blood of the Revolution. He entered the militia immediately, and the next year was mustered into the Continental service in the 3d Virginia Regiment. He was a captain when mustered out in 1781; then, as before and afterward, an ardent admirer of George Washington and of his principles. Like other men from what was then the West, Marshall was an American first, and a Virginian secondarily.

Captain Marshall was admitted to the Virginia bar, after less than a month's attendance upon law lectures, and not much more law reading, in 1782. That fall he was elected to the Virginia Assembly, and was married the following January to a Richmond girl whom he had courted during his "law course."

Marshall was successful, professionally and financially, in his practice of law. When he began, English precedents, of which he knew little, were in disfavor; there were almost none from America. Marshall's judicial bent, his common sense and knowledge of human nature, and his broad grasp of politics supplied the lack. He learned law in court, and preferred to sum up at a trial, benefiting by the arguments of other lawyers at the hearings.

Having a liking for orderly, self-respecting government, Marshall rued the weakness of Congress under the Articles of Confederation. He welcomed the calling of the Constitutional Convention in 1787, and helped Virginia to adopt the Constitution it produced. In his arguments for adoption, he favored "judicial review" of Congressional legislation.

Marshall was elected to Congress in 1798, and proved a valuable supporter of John Adams, who made him Secretary of State in 1800. In January of the next year, less than two months before Adams must yield the chair

of the chief executive to Thomas Jefferson, the President appointed John Marshall Chief Justice of the United States Supreme Court, to succeed Ellsworth, resigned. The appointment "was not greeted with applause from any quarter." Only forty-six years old at the time, he graced the Supreme bench for thirty-four years.

The Chief Justice was a strong Federalist at a time of anti-Federalist supremacy, and, protected in his high office by a life tenure, handed down decisions guided by Federalist principles. Aside from Marshall's distaste for Jefferson and his desire to frustrate things Republican, the greatest influence upon his decisions was his wish for a centralized national government, with a strong Federal judiciary and an independent and revered Supreme Court, with power to rule upon the constitutionality of Congressional legislation.

For this reason, the decisions made during his tenure, usually written by himself, have been formative. Marshall probably did much more as Chief Justice of the United States Supreme Court to produce a strong Constitution than if he had sat in the Philadelphia Convention. This effect was accomplished through such cases as the *Marbury v. Madison* decision, the "midnight appointment" case, which made mandatory the seating of appointees named according to law, the *Fletcher v. Peck* and *Dartmouth College v. Woodward* cases, upholding the sanctity of contracts; and the *McCulloch v. Maryland* case, defining the sovereignty of the Federal Government by declaring its property exempt from State control through taxation. When it is remembered that, in the later years of Marshall's tenure, and increasingly after his death, the demand for State's rights and the decentralization of government kept increasing, the importance of his early decisions as a counterweight must be recognized and highly valued.

Marshall the frontiersman was still a pioneer on the Supreme bench, where he presided until his death in 1835. His decisions laid down a pattern which has controlled amazingly through the years.



# FRANKLIN

**T**wo centuries and a half is a long time to look back upon the birth year of a man whose influence can still be felt. Ben Franklin was the sort of man whose shadow can stretch out over human history without disappearing in the light of modern events. Printer, editor, essayist, scientist, philosopher, diplomat, statesman—the titles all fit, and serve to measure his worth.

Franklin was wise, practical, industrious, courageous, patriotic. Original he was not, but he was a pioneer in applying the ideas of others in practical ways; and in doing so he made concepts—too often nebulous—clear, concise, and workable.

When in middle life he wrote of freedom, it was on the basis of determinism and the hegemony of fate. But more than most men, in actual practice he showed himself the master of environment and circumstances.

When the Commonwealth of Pennsylvania demanded that the broad estates of the Penn proprietors be taxed, Franklin was on the side of the colonists, and was instrumental in effecting an agreement with the proprietors. When the Colonies became increasingly restive toward Great Britain, Franklin sought first to find a *modus vivendi* among the difficulties. This failing, he became a supporter of the doctrine of independence, and served on the committee that edited and brought to splendid completion Jefferson's magnificent draft of the Declaration of Independence. His knowledge of men, solid common sense, and wide political experience were invaluable at the Constitutional Convention of 1787.

Early a freethinker, Franklin moved to moderate deism, but at the close of his life spoke more and more of Christ, and came near to Presbyterian ways of thought.

His whole life and experience illustrate what can be accomplished through native gifts expended in freedom.



